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Vol. 5



*A. S. Crawford Esq.  
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IN THE MATTER OF The Public Inquiries Act, being Chapter 258 of The Revised Statutes of Alberta, 1955, and Amendments thereto; and,

IN THE MATTER OF an Inquiry by a Royal Commission into the matters set out in Order-in-Council 861/67 respecting the use or attempted use by the Honourable Alfred J. Hooke of his office as a member of the Executive Council of Alberta, and the use or attempted use by Edgar W. Hinman of his office as a member of the Executive Council of Alberta.

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## PROCEEDINGS BEFORE THE HONOURABLE MR. JUSTICE W. J. C. KIRBY

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C. W. CLEMENT, Esq., Q.C.,	Commission Counsel
S. A. FRIEDMAN, Esq., Q.C.,	Departments of Government
S. H. McCUAIG, Esq., Q.C.	E. W. Hinman, Esq.
L. MAYNARD, Esq., Q.C.,	The Honourable Alfred J. Hooke
W. B. GILL, Esq., Q.C.,	G. A. Turcott, Esq.
	Mr. Neil Reimer
G. A. C. STEER, Esq., Q.C.	Dr. C. A. Allard
D. H. BOWEN, Esq., Q.C.	Liberal Association of Alberta
N. S. CRAWFORD, Esq., and	Progressive Conservative Party of
J. D. HILL, Esq.	Alberta
G. S. D. Wright, Esq.	Alberta New Democratic Party

W. ALAN SHORT, ESQ.,  
Clerk to the Commission.

VOLUME No. 5

DATE September 15, 1967  
(Pages 391 - 516)

*Supreme Court Reporters*  
EDMONTON, ALBERTA





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W. J. C. KIRBY

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## Appearances

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C. W. Clement, Esq., Q.C.,	Commission Counsel.
S. A. Friedman, Esq., Q.C.,	Departments of Government.
S. H. McCuaig, Esq., Q.C.,	E. W. Hinman, Esq.
L. Maynard, Esq., Q.C.,	The Honourable Alfred J. Hooke.
W. B. Gill, Esq., Q.C.,	G. A. Turcott, Esq., Mr. Neil Reimer.
G. A. C. Steer, Esq., Q.C.,	Dr. C. A. Allard.
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N. S. Crawford, Esq., and J. D. Hill, Esq.,	Progressive Conservative Party of Alberta.
G. S. D. Wright, Esq.,	Alberta New Democratic Party.

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PROCEEDINGS before the Honourable  
Mr. Justice W. J. C. Kirby, this  
15th day of September, A.D.1967, at  
9:00 o'clock in the morning, at  
the Court House, in the City of  
Edmonton, Province of Alberta.

---

MR. CLEMENT:

I will call Noel Dant.

NOEL BUCKLAND DANT, sworn, examined by Mr. Clement:

Q Mr. Dant, your home is in Edmonton?

A Yes sir.

Q And how long have you made your home here?

A Well, I started in October of '49, and then I had a four-year  
break in Africa, and then I came back in 1960 and I have  
been here since.

Q When you came in 1949, Mr. Dant, where did you come from?

A Chicago.

Q And had you had planning experience before you came here?

A Oh, yes.

Q To what extent?

A Well, I had worked in a variety of offices prior to coming  
to Chicago; I was working in Toronto, for instance; I was  
one of the co-architects of the subway stations.

Q Yes?

A And prior to that in the Old Country where I was born I was  
doing some architectural work -- war work, mostly, because  
that was the time.

Q So you came here with a considerable body of experience in  
planning?





1-M-3

N. B. Dant - Clement Ex.

A Well, I feel I have gained some experience by now, sir.

Q And you started with some when you came here?

A Well, I came over to the States just after the war was over to enlarge my planning education at American Universities, and I have now got four degrees in planning.

Q When you came here in 1949, Mr. Dant, what position did you take?

A I was appointed the Town Planner of Edmonton.

Q Of the City of Edmonton?

A That's right.

Q And you continued in that position until 1951, did you say?

A I left Edmonton in December of 1955.

Q '55?

A Yes.

Q Oh, yes, and returned when?

A I'm sorry, I can't -- I am rather hard of hearing, Mr. Clement -- if you don't mind.

Q I'm sorry. You left in December of 1955 and you returned when?

A Then I went to Ghana -- it was called the Gold Coast at that time. I joined the British Colonial Service as a planner, and I landed in that country in January of '56.

Q And then you returned to Edmonton, did you say, four years later?

A Yes, around about four years later -- well, I got my current position on February 1st, 1960.

Q And your current position is what?





1-M-4

N. B. Dant - Clement Ex.

A Provincial Planning Director.

Q And that is -- you are then an officer of the Provincial Planning Board?

A Correct sir.

Q Now, Mr. Dant, during the time of your service with the City of Edmonton as planner, you were at least for a while their representative on the Edmonton District Planning Commission.

A That's right.

Q And your name has been mentioned in that connection in testimony in the last day or so.

A That is correct, sir.

Q What I would like to take you to, Mr. Dant, are the records of the Provincial Planning Board in respect of Sherwood Park as it is now known, after the withdrawal of the Municipality of Strathcona from the District Commission; because you will recall that the evidence was that after the municipality withdrew from the Commission, then the Commission had nothing to do with approving subdivision plans. As I had understood the evidence, the Commission had approved the location of Campbelltown in its present site.

A That is correct.

Q And that was done, as I understand it, the approval of the site was done despite your views.

A That is correct, too.

Q But then it was a fait accompli by 1954 when we start getting into the matter of actual subdivision plans.

A That is correct.



1-M-5

N. B. Dant - Clement Ex.

Q And your letter of August 4th, 1953, to the Secretary-Treasurer of the Planning Commission was written prior to the decision of the Commission to locate Campbelltown in its present site.

A That is the case, at that time, yes.

Q So from then on you, whatever function you had to do, had to be based on that decision.

A That is correct.

Q Now, Mr. Dant, you were not with the Provincial Planning Board during the revelant time in which these plans of subdivision were being dealt with -- but there are records, I take it.

A Not the early ones. I was, Mr. Clement, in one in 1960, after I assumed my current position.

Q Yes.

A But that was a very latter one -- but not the early ones, certainly not.

Q Mr. Dant, did you prepare a sort of overall plan showing the relationship of these various subdivisions, one to another?

A Yes, I have got that with me here.

Q Perhaps, Mr. Commissioner, it might be of some assistance to you and counsel to get the relationship of these various plans which have been put in evidence, and I believe you have also prepared a list showing the dates of registrations of the plans, and the registered owners as shown?

A That's correct.

Q On the plans.





1-M-6

N. B. Dant - Clement Ex.

A Mr. Commissioner, I would prefer to call this a map, if you don't mind.

THE COMMISSIONER:

A map.

A Later on we will come to the word "plan", sir, but there are plans and plans, sir. I have prepared this, Mr. Commissioner, especially for you to perhaps give you a better comprehension of the way that all these little registered plans, subdivision plans that we have heard of before, are now filed.

Q MR. CLEMENT: Could we just hang it on the box here?

A They are pieced together so you can see the overall -- .

Q Is this convenient for you to refer to in this position?

A I think the only thing I would like to add at this time is that this white line here is the Wye Road, and everything north of that is what we call Campbelltown; everything south of that for a certain distance is called Campbelltown Heights. There is a difference here between these two areas -- this is the hamlet -- that's all we can call it, Campbelltown -- .

Q Mr. Dant, we started off with the acquisition of the Southwest of 27, and then other areas came in -- the whole of Section 27, and then it extended beyond that to the Northeast of 22, and so on.

A That's right.

Q Can you point out on this map where we start with these plans?

A Subdivisionwise?





1-M-7

N. B. Dant - Clement Ex.

Q Yes.

A Yes. These numbers down here, not in chronological order, refer to the exhibits as I was led to believe they would be filed, in the numbers given me on a sheet of paper before the hearing started, and they are arranged in chronological order of dates of registration. The top two, numbers fifteen and sixteen are not in Campbelltown, they are in Campbelltown Heights; so the first plan which was registered for Campbelltown proper is No. 6, which is a very small one shown down in here in this brownish color, with a road connection to it, and from that point on they progress by those numbers, seven, ten, eight and so on, north of the Wye Road.



1-P-1

Noel Dant - Clement Ex.

Q Mr. Commissioner, perhaps I should bring out these Exhibits so that they may be looked at as Mr. Dant progresses.

THE COMMISSIONER: We will have that map marked as Exhibit 172.

LARGE COLOURED MAP ENTERED AS EXHIBIT 172.

MR. CLEMENT: I don't know whether I have got those first ones or not.

THE COMMISSIONER: It starts with Exhibit 134 I think Mr. Clement.

MR. CLEMENT: Yes, but I am afraid --

Q MR. CLEMENT: The first area mentioned, sir, is in Campbelltown Heights, shown in yellow and on the legend as number fifteen and it is Exhibit 153 bearing date August 1st and August 20th 1952 and signed by John Everett Ball?

A Mr. Clement did I hear you say '52? All I go by the registration date of the Land Titles Office.

Q I see.

A Which is '54.

Q Yes?

A And these other dates are of the various approving authorities down the line that put their stamp on and I guess in this particular plan there was quite a long delay before it was actually registered.

Q I have been going by the date of the land surveyor's certificate when I have been referring to the dates of these plans which is of no particular significance to you then?





1-P-2

Noel Dant - Clement Ex.

A No, no, I suppose not.

Q The Provincial Planning Advisory Board, sir, approved this on November 24th, 1953?

A Yes. I think a little explanation is due here Mr. Commissioner that the rubber stamp admittedly in those days has Provincial Planning Advisory Board on it but the actual approving authority was the Director of Town and Rural Planning, my predecessor but I think there is a little confusion down here and they used a rubber stamp that certainly has the Board's name written on it.

Q And the designation acting Director of Town and Rural Planning?

A Underneath the signature but, I would like to make it clear that statutory the approving authority was actually the Director of Town and Rural Planning, not the Board, on that date.

Q Yes, and on that date the Edmonton District Planning Commission was still exercising some jurisdiction?

A Yes.

Q And so it stamped its approval on it also on November 25th, 1953?

A That is correct.

Q This seems to be somewhat unrelated to the main topic here?

A I think that is a matter of opinion.

Q Perhaps so.

THE COMMISSIONER: I think that will be better and counsel

I think can see that better using that easel. You can tack





1-P-3

Noel Dant - Clement Ex.

THE COMMISSIONER: (cont.) that up there.

Q MR. CLEMENT: The next one on the map Mr. Dant is shown on the legend as number sixteen?

A That is right.

Q Plan 5612HW which is Exhibit 154, I produce this now to you and it shows that --

THE COMMISSIONER: Would you just move it over a little bit?

Q MR. CLEMENT: -- it was registered in the Land Titles Office on March 3rd, 1954?

A Correct.

Q Approved by the Edmonton District Planning Commission on November 27th, 1954 and by the director of Town and Rural Planning on December 1st?

A Looks like it, yes.

Q Of what year?

A '53.

Q 1953. Yes, I think the Edmonton District Planning Commission dating is actually November 27th, 1953?

A Yes, I have to assume that, it is not very clear, is it?

Q No. And the person signing as owner is Jack Ball?

A That is correct.

Q Now Mr. Dant, number fifteen on the legend is then just a small portion designated as fifteen in yellow?

A It goes beyond Mr. Clement into that kind of gamboosh color.

Q Over to here?

A Yes that is right, the whole of that plus the yellow was that



1-P-4

Noel Dant - Clement Ex.

A (cont.) plan registered at that time.

Q And then the one that we are now dealing with, Exhibit 154--

A Is shown by that red and the pink.

Q Yes, and designated sixteen on the pink?

A I would like to explain why there is two colours on each of these two plans because later on each of these plans which were registered were re-subdivided.

Q Yes?

A And the difference in colour shows the re-subdivision at a future date which we haven't come to yet.

Q I see, well, do you mean then that in respect to number sixteen that that portion which bears the number sixteen remained as it is and the rest was re-subdivided or, the other way around?

A I am afraid that sixteen isn't well positioned on the map. The whole of the red and the pink should have been sixteen.

Q I see?

A And then later on the red part was separated from the pink part and in itself was split in half. You can possibly just see a line in the middle of the red stuff.

Q Yes I see that. Then you have shown on the legend as number six, which is an 'L' shaped area?

A That's right.

Q In Campbelltown proper?

A That's right.

Q And that designates plan 632KS which is made Exhibit 130.





1-P-5

Noel Dant - Clement Ex.

Q (cont.) Now, this plan then was registered on July 22nd, 1955, approved by the Director of Provincial Planning on July 7th, 1955 and signed by Weber Brothers Agencies as owner?

A That is correct. I think there is one significant point here Mr. Commissioner that there is no signature or no stamp from the Edmonton District Planning Commission because at that time Strathcona Municipal District had withdrawn and consequently they had the approving authority taken away from them.

Q Then the next in chronological order is designated as seven and is shown on this rather curved portion on the map. Plan 732KS is referable to number seven and is entered as Exhibit 131 which I now show you Mr. Dant, registered on August 23rd, 1955 and approved by the Director of Town and Rural Planning August 5th, 1955 and signed by Weber Brothers Agencies Limited as owner?

A That is correct.

Q Is there any particular observation you wish to make on this one?

A No I don't think so, it is just another subdivision plan, the first large one for Campbelltown.

Q Yes. Then the next on the legend is number ten referring to Plan 1315KS and that is entered as Exhibit 135 which I now show you. It was registered on January 19th, 1956, approved by the Director of Town and Rural Planning on January 5th, 1956 and signed by Alfred J. Hooke as owner?



1-P-6

Noel Dant - Clement Ex.

A That is correct.

Q The next is number eight, designating Plan 1521KS and entered as Exhibit 134 which I now show you, registered on March 20th, 1956, approved by the Director of Town and Rural Planning on, what appears to be October 3rd, 1955 and signed by Alfred J. Hooke as owner?

A Yes, I agree with that.

Q No particular comment on this one?

A No, there is no comment.

THE COMMISSIONER: What area does that relate to, what number of area?

MR. CLEMENT: This is number eight, sir.

THE COMMISSIONER: Number eight, thank you.

MR. CLEMENT: Plan number 1521KS --

THE COMMISSIONER: I have it.

MR. CLEMENT: -- and Exhibit 134.

Q MR. CLEMENT: The next on the legend is number nine and it designates Plan 1777KS which is entered as Exhibit 138 registered in the Land Titles Office on June 18th, 1956, approved by the Director of Town Planning on May 30th, 1956 and signed by A. L. Trowbridge and Associates Limited per George Bryan as owner?

A That is what the plan says.

Q Yes, that is all we can go by at this stage. Then item thirteen on the legend refers to Plan 1802KS entered as Exhibit 136 and this plan was registered on June 26th, 1956, approved by the Director on June 5th, 1956 and signed by





1-P-7

Noel Dant - Clement Ex.

Q (cont.) A. J. Hooke as owner?

A That is correct. I think there is one point on this plan which I don't think is too significant, it is in two pieces. If you see on the sketch there, thirteen is shown on the dark red down in the southeast corner and there is one piece there and another piece down in the southeast corner.

Q You mean down here?

A No, a little further east than that.

Q Oh yes, with the interjection of eight between them?

A That's right.

Q Yes, I see what you mean. Then on the legend number eleven referring to Plan 4095KS and entered as Exhibit 139 shows registration in the Land Titles Office January 7th, 1958, approved by the Director on October 29th, 1957 and signed by Smeltzer -- I can't distinguish the initials, Smeltzer and A. J. Hooke as owner?

A That is right. I was under the same difficulty in reading this, the print isn't very clear but I think it is A. Smeltzer but I am not certain.

Q The name is already shown on a transfer which has been registered Mr. Dant.

A I think Mr. Commissioner that the significant part about that last plan is that it has now been signed also by the District Planning Commission. In other words, Strathcona has come back into the Commission and there would be three signatures on that one instead of the two.



1-P-8

Noel Dant - Clement Ex.

Q Approved for Edmonton District Planning Commission October 28th, 1957?

A That is correct, yes.

Q Then item twelve on the legend refers to Plan 4410KS which is entered as Exhibit 140 and bears registration date of April 3rd, 1958, approved for the Edmonton District Planning Commission on March 24th, 1958 by the Director of Town and Rural Planning on March 25th, 1958 and signed by A. S. Smeltzer and A. J. Hooke as owners?

A That's right.

Q Anything particular about that one?

A No, nothing about that one.





1-B-1

N. B. Dant, Clement Ex.

Q Then Item 14 on the legend, the large purple piece, entered as Exhibit 137, shows registration in the Land Titles Office on May 5th, 1958, approved by the Edmonton District Planning Commission April 10th 1958, by the Director of Planning April 11th 1958, and signed "A. J. Hooke" as owner?

A Correct.

Q Then Item 18 on the legend, the turquoise did I say?

A I believe it is, Mr. Clement, that is correct, it is that turquoise blue.

Q Refers to Plan 5322.KS, entered as Exhibit 155, showing registration in the Land Titles Office, November 5th, 1958, approved by the Edmonton District Planning Commission October 29th of that year, and by the Director on the same day in that year, October 29th, 1958, and signed by Edward Ball as owner?

A That is correct.

Q And Item 19 in blue in Campbelltown Heights refers to Plan 6428.KS entered as Exhibit 156, registered in the Land Titles Office on July 22nd 1959, approved by the Planning Commission on May 5th 1959, and by the Director on May 8th 1959, and signed apparently by Beaver Land Company Limited as owner?

A Yes, that is correct.

Q Then the final item, Number 17, refers to Plan 998.MC, entered as Exhibit 157, registered August 18th, 1960, approved by the Commission August 4th, 1960, by the



1-B-2

N. B. Dant - Clement Ex.

Q (cont.) Director August 4th 1960, and signed by A. J. Hooke as owner?

A That is correct.

Q Mr. Dant, there would appear to be other subdivision plans that have been registered but which actual subdivision plans are not before us?

A That is correct, anything on white, that is marked with a blue line, are all registered plans of one form or another, both in Campbelltown proper and in Campbelltown Heights, anything which is shown with a number on it is a registered plan.

Q Just as a matter of interest Mr. Dant, I am showing you Exhibit 170; can you give us any word about this? It was brought in evidence by Mr. Giffen in the way of an application, as accompanying an application for approval of the site, as I recall his evidence?

A Up to yesterday I had never seen this plan. I have got a reference to it in my file but there is no copy of the plan attached so, I notice it is signed by Mr. Holloway, Alberta Land Surveyor, and it would purport to show what has been referred to as an overall plan for this section.

Now, I would with your permission, Mr. Commissioner, like to make a few remarks about plans because there have been various appendages attached to this word "plan" for the Commission up to now, and very likely there will be other ones, and there is some confusion about these terms "overall", "outline", "subdivision", and so on. And I





1-B-3

N. B. Dant - Clement Ex.

A (cont.) would like to suggest that this matter of Campbelltown, in this matter of Campbelltown we have dealt with and are likely, I would suggest, to deal with three kinds of plans only, and I will give you their correct names, their correct appendages according to the Statute. An overall plan is called a general plan and it is a complete plan for a community or large parts of it, generally of the complete community. Now, if you can call Campbelltown a community, as I suppose you can, physically, but letally it is a hamlet, which has no status, one could call this a general plan. However, as things developed a lot more land was finally taken in and consequently I would prefer to call this an outline plan. Now, an outline plan is defined in the subdivision transfer regulations as being a rough guide to a portion of a community, and I can best describe this by saying that if somebody applied to have four lots subdivided out of a quarter section and it is likely to be in an area where there is more growth anticipated, before these four lots are approved as such, as a registered plan, it is wise to prepare an outline plan showing where we are going beyond that in the rest of the quarter section, so that is what we understand by the term "outline plan". And then finally, what we have just been discussing, the third kind of plan is a subdivision plan. Now, a general plan and an outline plan, although this one has wrongly been called "the proposed subdivision", according to the Statute, are not



1-B-4

N. B. Dant - Clement Ex.

A (cont.) surveyed plans at all. This is the distinguishing mark of a subdivision plan, it is a plan of survey. It has actually been staked on the ground prior to the registration and linen prints prepared from those survey lines, so that I thought I would just make this, like to make this clarification, that there are only three kinds of plans that we are involved with, a general plan which unfortunately in my files is not referred to in Campbelltown, although there are plans of the general kind which will come later, I expect; an outline plan, such as this one; and then the subdivision plan which is a plan of survey.

Q Well, this is the only plan other than subdivision plans that I have produced to the Inquiry, Mr. Dant; are there others which should be relevant to the matters of the Inquiry?

A Other kinds of plans?

Q No, other outline plans?

A Well, there have been a series of them, of course.

Q That has been mentioned?

A Yes.

Q Do you have copies of those?

A Most of them.

Q Perhaps then as the evidence progresses we might have a look at those. I would like to take your mind back for a moment, Mr. Dant, to the situation in 1951 and 1952 in respect of industrial development in the north, to the





1-B-5

N. B. Dant - Clement Ex.

Q (cont.) northeast of Edmonton between Edmonton in this Campbelltown area: as at 1951, let us say, had there been some industrial development already occurred in your recollection?

A You mean east of the City limits, I take it?

Q Yes?

A Yes.

Q Where the celanese plant and the Chemcell plant and so on are now?

A I think there was, I can't remember exact dates when the C.I.L. plant first went in, I think that was the first one, it probably was around '51, I am not certain of that.

Q Then what part of this Exhibit embraces Section 27?

A Section 27 is this square here.

Q I see.

A And there is the quarter section line here.

Q So that the original portion we are dealing with, the Southwest of 27, embraces the lower half and to the left and involves legend numbers 14, 13, 8, 6, 7 and 10?

A Yes, that is roughly the area of that quarter which is shown there as being registered.

Q And portions of 12 and 9 and 11?

A Yes, and then there is a piece which was not in the northeast corner of the quarter section.

Q Yes. I always have difficulty with section plots; where would the, where would Section 22 be in relation to this area?



1-B-6

N. B. Dant - Clement Ex.

A Only a portion is visible here, but it starts here and goes down the same side as this other one, of course, this square down here.

Q Yes, I see, thank you very much. Now, Mr. Dant, then I have asked you to deal with the period of time after the Municipality of Strathcona withdrew from the Commission and the Director of Planning was dealing with subdivision plans?

A That's right.

Q And that would then take us to plans that originate in 1955, I believe?

A Yes, earlier than that, I think it was just after '54.

Q Yes.

A That the plans went up to the Director.

Q Plan 632.KS, let's just verify that.

A That is correct.

Q Yes, 632.KS, July 7th 1955, by the Director of Town and Rural Planning, and no stamping by the Commission. Do the records at your disposal from the Provincial Planning Advisory Board bear on this Exhibit at all, Mr. Dant, do you have anything to show what course was followed in this plan obtaining approval?

A I don't think so, Mr. Clement. There should have been what we call a subdivision file on this particular case. I imagine we have this file in the office but I hadn't thought to bring it with me.

Q I see.





1-B-7

N. B. Dant - Clement Ex.

A I thought that the signatures on the plan would be sufficient proof that they have been signed.

Q Well, what I was more concerned about is this; what would the Director of Planning be required to do leading to his approval of that subdivision plan?

A Well, I was not the Director myself those days but I would assume that the role is fairly similar to my own now. When an application will come in in the form of what we call a tentative plan, and I am sorry there is another term here, a tentative plan is a preliminary subdivision plan not staked on the ground necessarily; this plan is submitted with appropriate application form, and on receipt of that the Director's office would likely send copies to the municipality in which it lies.

Q The developer would in a case such as Exhibit 130 make his application direct to the Director of Planning, would he?

A Yes, it could either be the developer or it could be the owner.

Q Well, either one?

A Yes. I might mention that these application forms, on these application forms it was only required to have either of the signatures up to last year, and now we insist on the owner because we had one example where a developer applied for a subdivision without the owner's knowledge, so that we have to have both signatures now, but at that time one or the other.

Q Yes?



1-B-8

N. B. Dant - Clement Ex.

A And having received this application, and I think there was a fee of about \$3.00 per lot or something like that, it was referred to different authorities who might have an interest in it, particularly the local municipality. Now, I recall yesterday that there was some mention made of the municipality approving these plans, but I would like to say most emphatically that a local municipality with the exception of Edmonton and Calgary Cities, had no approving authority role in subdivision work. They can advise, opine, make recommendations, but the actual approving authority is either the Commission, if within its jurisdiction, or the Provincial Planning Office. So after these references had come back, I cannot answer for how my predecessor acted, but I certainly in my mind would give some weighting to the opinions of the local authority concerned. Other authorities are also referred to when they might be involved, like a highway will go to the Department of Highways or something else like that, so that I can only imagine what happened in those days when I was not in the role that I am now.

Q I suppose would provision be made for schools in such a development as this, and parks for instance?

A Well, you are talking to me in general now. Yes, if a large one of over a hundred lots, I certainly think that would be referred, it is now, to the School Division; and we also, although we don't by law, we have to by law refer some of these things, there is a "shall" in the





1-B-9

N. B. Dant - Clement Ex.

A (cont.) regulations in certain authorities and there is a "may" in other ones; but as a courtesy we also send it to Central Mortgage and Housing Corporation because, generally speaking, in the last analysis they are the ones who provide the mortgages or arrange for them. So that is the procedure, and when these references have come back, then the Director is in a position to make a decision, and he would approve or otherwise, with or without conditions, or refuse, and in the former cases the tentative plan is endorsed and it is sent back to the developer or his surveyor as a rule, because all subdivision plans had to ultimately be prepared by surveyors, and that would be his cue to stake out the matter on the ground and prepare his linens, which we call the final plan of subdivision, and that comes up for endorsement to the approving authority as well as to the Director of Surveys later on, and then down to the Land Titles Office for registration. That is the complete process.



2-M-1

N. B. Dant - Clement Ex.

Q Yes. Now then, do the records in the Provincial Planning Board -- of the Provincial Planning Board show that any of these plans were dealt with by the Board itself, or were they all considered only by the Director?

A I really have no record of that, Mr. Clement, except if I go back to look at the individual files, with the subdivision plans, if they are available, there may be some reference to that, but I am very doubtful whether they would have been dealt with by the Board itself. The Director himself was the statutory approving authority, from -- .

Q I have a little difficulty -- .

A -- August 1st, 1950, onwards.

Q I have a little difficulty deciphering the name.

A This is Mr. Lash, who was the first --- I wouldn't say the first Provincial Planning Director, but -- .

Q Very early on?

A Very early on. They go back away into the past, but he was the first modern director of town and rural planning.

Q Yes, and I think his signature appears on all those ones which we have put in evidence?

A Not all of them.

Q Not all of them?

A No; you will find that some of them have been endorsed by Mr. Gee who was an assistant planner, acting on behalf of the director.

Q Yes, you are quite right.

A And then, of course, later on when Mr. Lash resigned, the





2-M-2

N. B. Dant - Clement Ex.

A (Cont.) new director's name was Rookwood, and you will find a few signed by him.

Q Yes, you are quite right; Mr. Gee's name appears, and then on August 4th, 1960, your own name appears.

A That's correct.

Q Do you have any -- is it the normal practice of the director to keep a file in respect of each subdivision plan that he has to deal with?

A To file it, did you say?

Q Yes.

A Do you mean with the Land Titles Office?

Q No, no, I meant a record -- .

A Oh, to make up a file?

Q Yes.

A Oh, yes, definitely.

Q And are there any such files for any of these plans that have been referred to?

A Well, I will have a search made, Mr. Clement; I would assume there would be.

Q Yes.

A But, as I mentioned earlier, I didn't think of bringing them down or investigating them.

Q Yes.

A I think -- .

Q Well, from the time that you took office as director early in 1960, did you have any communications from Mr. Hooke or Mr. Campbell in respect of subdivision plans at Sherwood Park



2-M-3

N. B. Dant - Clement Ex.  
- Gill Ex.

Q (Cont.) that you had to deal with?

A Since 1960?

Q Well, since you took office.

A In my time, yes. No, I don't think so.

Q Did you have any knowledge of any direct intervention by Mr. Hooke in the layout of Sherwood Park, or Campbelltown as it then was -- during your term of office on the Edmonton District Planning Commission?

A I think when I was on the special committee we had some communication with him when he was the Minister of Economic Affairs, to try and assess the industrial potential in the east part of the City, but beyond that I would have to say no.

Q Would you answer my friends, please?

THE COMMISSIONER: Mr. Gill?

MR. GILL EXAMINES WITNESS:

Q Mr. Clement, I believe you have Exhibit 161, the Plotkin report?

MR. CLEMENT: Is it not in the file?

MR. GILL: It is not in the file. When would you first know, Mr. Dant, of the interest of Mr. Hooke in the Campbelltown property?

A I'm sorry, Mr. Gill, I didn't hear the first part of your sentence.

Q When did you first know of the interest of Mr. Hooke in the Campbelltown properties?

A Well, I suppose it must have been when I was on the Edmonton





2-M-4

N. B. Dant - Gill Ex.

A (Cont.) Commission in 1951. I don't think I met him prior to that. I joined the City in 1949 but I don't think I met him before that time.

Q How did you know of the interest, the personal interest of Mr. Hooke in these lands?

A Well, frankly I wasn't too sure what interest he had. I wasn't told directly by him, for instance. I picked up the idea, I suppose, from conversation with other people.

Q Did you read the Plotkin report thoroughly?

A What report?

Q The Plotkin report.

A No, I have never heard of the name.

Q I see. You were at a series of meetings of the -- .

A Oh, I'm sorry -- Plotkin. I thought you said "Bodkin".

Oh, yes, I -- I'm aware of that report. It was done in my time when I was on the Commission.

Q Did you read it?

A Oh, yes.

Q Thoroughly?

A I think so.

Q Did you look at the little sketch at the back showing the registered owners of the land?

A Well, I suppose I must have, Mr. Gill. I'm afraid -- it's a long time ago and I don't remember all the details now.

Q We can't appear to find that exhibit; perhaps Mr. Giffen took it with him yesterday.

MR. CLEMENT:

No, we just asked him. It may be



2-M-5

N. B. Dant - Gill Ex.

MR. CLEMENT: (Cont.) back here.

THE COMMISSIONER: The Plotkin report is there on the  
-- I was looking at it yesterday afternoon and I think it's  
probably on the table there.

A Perhaps I should say, Mr. Gill, that normally in my work  
I'm not too concerned with names. I find it more convenient  
in my work to forget names, if possible, so I'm not too  
interested who applies.

Q MR. GILL: You will notice that attached to  
Exhibit 161 the analysis by Mr. Plotkin, it shows the  
Southwest quarter of Section 27 owned by Weber Bros. Agencies  
Ltd.

A That's right.

Q And the date is the 1st of December, 1951.

A Yes, that's true.

Q So, can you help us at all with the interest of Mr. A. J.  
Hooke in these lands?

A Well, on this document, no, I can't, because I had no idea  
that Mr. --- that Weber Bros. was involved or Mr. Hooke was  
involved with Weber Bros. or otherwise. There is no  
mention of Mr. Hooke's name on these maps.

Q That's what I'm trying to get at, Mr. Dant, is that looking  
at this document it would appear that the owner of the  
Southwest quarter was Weber Bros.; is that correct?

A Yes, that's correct on the sketch, yes.

Q So when did you first know that Mr. Hooke had a personal  
interest in these properties?





2-M-6

N. B. Dant - Gill Ex.

A Well, I really can't say with any surety because, as I say, I'm not interested in people's names who own property. When work comes to me I prefer just to do it without that. The first of this Campbelltown proposal, to my knowledge, came from this proposal by Mr. Campbell to the Commission, and from there it developed. Now, as I mentioned before, I had heard that Mr. Hooke was involved in the land somehow or other by talking to different people, the Commission possibly, and my staff in the City -- I don't remember really -- I really can't give you the date when I discovered that he actually owned the land. Of course now these plans would indicate the registered owner at various times, but I am not aware, of course, of these plans as such in these early days because I wasn't involved in it personally, subdivision plans.

Q You had always opposed the location of this -- you call it a dormitory town?

A Yes, I choose to call it that -- I was, and I still am, I am more so.

Q Why is that?

A Well, let's put it this way: I am possibly one of the more fervent advocates of satellite growth out of a parent city as an alternative to what we might call accretional growth -- that is, adding and adding to the fringe of the city -- for instance, Edmonton growing into a million population around one core; and when Mr. Campbell first came to me I was delighted to hear that he had a satellite subdivision



2-M-7

N. B. Dant - Gill Ex.

A (Cont.) in mind. However, on this particular matter, according to a series of precepts or principles that are generally acceptable in the profession as to what a satellite town should be, where it should be located, possibly, and things of this kind, to my mind this location did not fill the most important of these criteria, which is the time-distance factor from the parent city -- in other words, the time it takes to get a certain distance -- we have to express it in that way and, depending on the vehicle you use, generally speaking, thirty minutes -- well, I would say from the motor vehicle standpoint -- is considered to be the prime criterion in the location of a satellite town in respect to its parent city.

The other point which I couldn't agree on was, as I saw it, a lack of some of the status that could be given, to where it had its own elected council -- in other words, I don't think a satellite town should be a hamlet -- it should, in my opinion, be a town with its own council, and there didn't seem to be any chance in those days of such an event happening in Campbelltown, although it could possibly become a town one day. As a corollary of that, there was in the original plans a dearth of land so they could provide a balanced tax base -- a lack of industrial with a preponderance of residential, and that is why it is sometimes referred to as a dormitory town as against a satellite town. Those were roughly my feelings when I was the Town Planner of the City





2-M-8

N. B. Dant - Gill Ex.

A (Cont.) of Edmonton and also sitting on the Edmonton District Planning Commission.

Q I think you used the words, in your letter of August 4th, 1953, Exhibit 171 -- the proposed location is eminently a wrong location.

A I suppose I did and I still would say that-- I think more so now.

Q Well, someone must have been very tenacious in the past, seeing your opposition and other opposition, to finally get this development through.

A Well, you heard, Mr. Gill, earlier on in the hearing that the vote was taken in the Edmonton District Planning Commission and, as a professional, I just lost out on it. We have to go by the majority of votes in this world, and I had to reconcile the fact -- you have to reconcile the fact that it is growing, and growing into a dormitory town with little likelihood, as I see it at this time, of industry being there. I should have mentioned one other criterion, that there should be a balance of land use and development -- in other words it should be able to provide work for some of its inhabitants -- most of its -- doubtless there would be some commuters to the city, and vice versa sometimes, but it should be self-contained, a self-contained local governing entity.

Q And this was lacking in the proposal for Campbelltown?

A It was at that time in my opinion.

Q Do you recall who were the main proponents for Campbelltown?



2-M-9

N. B. Dant - Gill Ex.

Q (Cont.) Mr. Campbell, of course and --- ?

A Well, I can tell you who were opposed: the City of Edmonton wasn't very happy about it; the Town of Beverly which was, I suppose, one of the closest units to it, wasn't very happy about it. I should mention that when Mr. Campbell first saw me there were other locations that had been suggested, and I must admit I was delighted to hear that there was somebody who was willing to promote a satellite town. I was and still am -- this location was the one that he wanted -- .

Q Do you know why he wanted it there particularly?

A I didn't.

Q You didn't ask him about that?

A No.

Q Did you have any discussions with Mr. Hooke about this location?

A No, never.

Q The County of Sturgeon opposed it, too, did they not?

A I really can't go back to these memories, but there were some other members of the Commission who were not very happy about it. I think there must be a record somewhere of who did oppose it, but I can't honestly remember whether Sturgeon did or not.

Q And the Edmonton District Planning Commission continued to work closely with Mr. Hooke at that time in planning matters, didn't they?

A I don't think they were working with Mr. Hooke.





2-M-10

N. B. Dant - Gill Ex.

Q I see. Might I read you a section of the minutes of January 5th, 1952, Exhibit 162 -- Minutes of the Edmonton District Planning Commission, and it says -- Paragraph (d) of Page 5 -- films -- was very favorably regarded by the Commission, after Mr. Plotkin had enlarged on his proposal that a film be prepared presenting the story of planning in the Edmonton region, it was generally agreed that such a film would be of unusual value in the general field of publicity. Mr. Dusseault thereupon moved, seconded by Mr. Swan, that Mr. Holloway and Mr. Plotkin be requested to interview the Honourable Mr. Hooke with a view to enlisting the interest of his department in the preparation of such a film.

So I ask again: was not that planning commission closely associated at all times with Mr. Hooke?

A I can't answer that, Mr. Gill. That is in that minute, admittedly -- I'm not certain if I was a member at that meeting. I probably was but I don't recall the matter at all about having the film made, but I would gather from that minute that the reason why Mr. Hooke was approached was there might be some grant from the Department of Economic Affairs.

Q When did you resign as the Town Planner of Edmonton?

A December 5th, 1955.

Q This was to go to Ghana, as it was then called? This was to go to the Gold Coast as a planner?



2-M-11

N. B. Dant - Gill Ex.

A I still haven't got you, I'm sorry, Mr. Gill.

Q Why did you resign?

A I was very -- I had a lot of disagreements in the executive suite of the City Hall.

Q Any with Mr. Hooke or his department?

A Nothing to do with the province whatsoever.

Q And who do you report to now?

A My Minister.

Q Your Minister?

A Mr. Gerhart Junior -- Edgard Gerhart.

Q And before he became Minister of Municipal Affairs to whom did you report?

A Mr. Hooke.

Q For how long?

A Ever since I became the Planning Director -- 1960, February 1st.

Q Is this because the Minister of Municipal Affairs is the final authority concerning planning?

A The final authority to -- .

Q Who has the ultimate responsibility for planning in the Province of Alberta?

A Mr. Hooke, of course, being the Executive Member of the Council, is charged with the administration of the Planning Act.

Q When did Mr. Lash resign?

A I believe it was in -- may I refer to my notes?

Q Certainly.





2-M-12

N. B. Dant - Gill Ex.

A March 28th, 1957.

Q Do you know why?

A I have a rough idea that he was born in Montreal or Quebec, and he wanted to return there and practise. He had come west and had gained some experience in planning in the west, and I think he just wanted to go back home, as it were.

Q Well, at one time there was a Mr. Gertler with the Edmonton District Planning Commission.

A That's correct.

Q And where is he now?

A He is teaching at Waterloo University, Professor of Planning.

Q When did he resign?

A I can only guess that one, sir; I haven't got any date at hand. The approximate date -- I think he resigned just before Mr. Lash did, sometime in 1957.

Q Do you know why?

A I can only assume that he got a -- .

MR. CLEMENT: Mr. Commissioner, as I recall Mr. Dant's evidence, he had left town by then, and to ask Mr. Dant why something happened in Edmonton when he was in Africa seems to me to be carrying it a little far.

MR. GILL: Well, there is other than drum reports: he may have heard.

MR. CLEMENT: That is one of the things, I think, Mr. Commissioner, that we should guard against, as best we can, gossip.



2-M-13

N. B. Dant - Gill Ex.

MR. GILL: I'm in your hands.

THE COMMISSIONER: I think --- if this man was in Africa when he resigned, when Mr. Gertler resigned, I think it would be strictly hearsay, wouldn't it?

MR. GILL: I agree.

THE COMMISSIONER: It's pretty far out.

A Do you wish me to answer that question?

THE COMMISSIONER: No, I do not.

Q MR. GILL: Do you know of any relationship between Mr. Hooke and Mr. Campbell?

A None at all.

Q And how long have you known Mr. Campbell?

A Since -- I would imagine he came to see me originally in late 1950, before the proposal came to the Commission -- at least I think it was that way. I seem to recall a visit by him to my office in the City Block, before it formally came before the Commission, discussing the idea of having a satellite.

Q And when did you first meet Mr. Hooke?

A I had occasion when I was working for the City to see him with the Commissioners on some matter not related to Campbelltown whatsoever, and I can only assume it was in the early fifties, -- maybe about '53 or '4.

Q Was this a planning matter?

A It had some planning connotation, within the City of Edmonton.

Q And why would you see Mr. Hooke?

A I think we were going down there to see if we could get a





2-M-14

N. B. Dant - Gill Ex.  
- Bowen Ex.

A (Cont.) loan from the government -- a grant, I should say.

Q And he was in what capacity at that time in the government?

A He was the Minister of Economic Affairs at that time.

Q Did you get the loan?

A I don't remember. It was the Commissioner's business to look after that.

Q Thank you.

THE COMMISSIONER:

Mr. Bowen?

MR. BOWEN EXAMINES WITNESS:

Q I gather, Mr. Dant, that prior to this matter coming before the District Planning Commission that you were visited by Mr. Campbell in your capacity as Planner of the City of Edmonton; is this correct?

A You mean prior to the withdrawal of the -- ?

Q No, I'm talking about 1951 now, sir.

A Yes, I think he came to see me late in 1950.

Q What was his purpose in coming to see you as the City of Edmonton Planner?

A Well, he was I think interested in my opinions about satellite growth. At that time I suppose one could say I was the only qualified planner in the province, and I got a lot of publicity when I first came here, of course -- mostly of the wrong kind -- but he came to see me, I suppose, because he thought I might be able to help him.

Q Did he at that time try to persuade you as to the advantages of this particular quarter that he was interested in -- or the particular section that he was



2-M-15

N. B. Dant - Bowen Ex.

Q (Cont.) interested in?





2-P-1

Noel Dant - Bowen Ex.

A No I think I first became aware of this particular quarter in the proposals made later on in '51.

Q It is your memory then he didn't mention this particular piece of land when he visited you at the City?

A Well, it had no more significance to me other than the fact that I thought it a bit close to the City Limits.

Q So that he did mention this particular location at the time when he came to see you at the City?

A I don't think he did in 1950. As I recall, we were talking about a piece of land which was south of Edmonton, direct south some eight miles out I think it was.

Q When did he visit you first in the City?

A I really couldn't give you any definite date.

Q Was it some time before the first meeting to consider the application through the M.D. of Strathcona?

A I wouldn't know. It couldn't have been too far apart because the application came up in early '51 as we have on record.

Q I think the application came in December '51, did it not?

A I really don't know, I would have to refer to the Commission Minutes on that.

Q Now, when this matter came in front of the District Planning Commission, I suppose it was regarded as an important matter?

A Oh yes.

Q Right?

A A very big matter.



2-P-2

Noel Dant - Bowen Ex.

Q And did it cause a certain amount of discussion and division amongst the members?

A Certainly caused a lot of discussion.

Q And did it --

A I am not sure about the division.

Q -- engender discussion amongst the members outside the actual formal meeting?

A Well, it came down to us in the first instance in the form of a meeting and then subsequently a special committee was appointed by the Commission as a whole to look into this in a bit more detail.

Q And there was a great division of opinion?

A I think that division of opinion as you call it, between members of the Commission I take it?

Q Right?

A Must have come a little later.

Q Who was pushing this, was it the M.D. of Strathcona?

A Well, they were the first, of course, to show the division.

Q They were very much in favour of it from the start, is that correct?

A Oh yes, I think so.

Q Mr. Holloway was the Chairman of the District Planning Commission?

A The first two years of his residence, yes.

Q So that during the meetings when this matter was discussed and refused first, he was chairing the meeting?





2-P-3

Noel Dant - Bowen Ex.

A That's correct.

Q What attitude did he take in these meetings?

A I think he had an open mind at the time.

Q Did he vote against this when it was first refused in January of '52?

A You are not referring to the secret ballot, are you?

Q No I am not sir.

A No, I think he voted with the rest that we needed some more study of this thing. One of the original thoughts was we should investigate other pieces of land, in other locations and I believe he was the one to sponsor that and became an ad hoc Chairman of a little group that went out to visit other sites.

Q Can you recall when the vote was taken when the matter was refused, the application was refused, how the Government employees voted?

A I wasn't present at that meeting, sir.

Q You were not present, you did not vote yourself?

A I just sent a letter down indicating my opinions, if there was a vote. If you remember, just prior to that, an amendment made to the Act I believe eliminated anybody serving on the Commission who were not elected representatives and I was the one appointed representative at that time and the reasons why I found myself on the Commission in those early years was, in a sense, to help get the thing off the floor because these were a brand new idea in Alberta



2-P-4

Noel Dant - Bowen Ex.

A (cont.) at that time and there was nobody else to do it and the statute at that time, amended in 1950, did not preclude council appointing an individual to represent them.

Q Well then, when did you cease sitting on the District Planning Commission Mr. Dant?

A When did I first sit on it did you say?

Q No, when did you cease sitting, when did you leave?

A It was prior to -- it was sometime in July I think of 1954.

Q So that you were still on the Commission at the time you called this so called secret ballot meeting was?

A I wasn't present at the meeting I don't think.

Q Do I take it then that you were present at neither meeting in which this matter was first refused and then granted at another meeting?

A I was present at the meeting when it was refused, yes.

Q Now, during the period between the time that the application was refused and the time that it was ultimately approved, did you have any particular involvement yourself with the negotiations or applications that were going on in the interim?

A I think the only involvement I had outside the Commission itself was on this special committee they appointed. Apart from that I had some public addresses to make, various organizations invited me to speak on the matter.

Q Were you ever visited by Mr. Campbell in that period, let's take the period between January 1952 and September 1953?





2-P-5

Noel Dant - Bowen Ex.

A I had very little to do with Mr. Campbell as a gentleman at that time. I knew he made the proposal.

Q Do you recall him coming to see you at the City during that period?

A Well, he may have come up to my office once in a while but I really don't remember Mr. Bowen.

Q Would it be in connection with anything other than Campbelltown?

A It could be, he is a man of many parts.

Q Did you have an association with him other than as an applicant in this particular matter?

A No, just purely a business relationship.

Q Were you friendly with Mr. Lash and Mr. Rookwood?

A I was very friendly with Mr. Lash but I never knew Mr. Rookwood. I was instrumental in getting him out here but unfortunately he was on a ship when I was going the other way to Africa and so I never did meet him and when I accepted my current role of which he was the immediate predecessor, he had resigned about six months before and gone back to England.

Q Do you know from the files in your department now whether there was any difficulty between Mr. Lash and Mr. Hooke?

A I have no idea.

Q With respect to approving the subdivision plan?

A Well, no, I don't know of any difficulty but I think first of all we have got to get this in its context. Mr. Hooke was not on the Board and not the Minister of Municipal



2-P-6

Noel Dant - Bowen Ex.  
- Crawford Ex.

A (cont.) Affairs in most of Lash's time.

Q Oh, I am quite aware of that sir and if you would answer the question in that context?

A No, I am not aware of any friction of any kind, certainly not.

Q Thank you.

THE COMMISSIONER: Mr. Crawford?

MR. CRAWFORD EXAMINES THE WITNESS:

Q Mr. Dant, the application as it first came to the Edmonton Regional Planning Commission from the Municipal District of Strathcona in November of 1951 had with it, according to the records we have had here so far, something that you may or may not refer to as a plan. It was one referred to as a topographical plan and another one, if I am correct, as an outline plan. Do you have copies of those?

A I don't think I have sir. Have you?

Q No.

A I would like to see them.

Q It is not 1951.

MR. CLEMENT: No no, this is '53.

A You are not referring to these little sketches in the back of Mr. Plotkin's Report?

Q MR. CRAWFORD: No, the report wasn't done by November of 1951?

A No, I have nothing on my file about that plan, or whatever it was.





2-P-7

Noel Dant - Crawford Ex.

Q Have you looked?

A Oh yes, I have had an exhaustive study of all my files in this matter at the time I was subpoenaed and, prior to it. I think I have got as complete a record as anybody of what exists but I have got some omissions in my file.

Q Mr. Dant, then speaking of the Plotkin Report for a moment, a resolution was passed by the Planning Commission as I recall it and I presume because the report criticized some of what Mr. Campbell proposed that it be sent to him so that he and his associates could examine it. Undoubtedly to get the reaction then of Mr. Campbell and his associates to the criticisms that had been made. Who were his associates to your knowledge at that time?

A Is this in 1951 are you referring to or -- yes, I had no idea.

Q The Plotkin Report couldn't have been in 1951 I don't believe Mr. Dant, it was 1952. You are right Mr. Dant, it was in December of 1951 that it was done, then, the question is simply, do you know who Mr. Campbell's associates were at that time?

A I had no idea of any associate he had at that time.

Q Do you recall that the Commission --

A Do I recall what, sir?

Q Do you recall that the Commission, the Regional Planning Commission resolved that it would forward the Plotkin Report to Mr. Campbell so that he and his associates could comment on it?



2-P-8

Noel Dant - Crawford Ex.

A Oh yes, I remember that phrase but I took it to mean in the generality of things. I suppose one of the things I might have thought of that Mr. Campbell doesn't have all that money to develop this thing maybe it is referring to some financial association. I wasn't interested in that.

Q Did the association at that time of Mr. Campbell and Mr. Hooke mean anything to you?

A No, I don't think I had any knowledge at that time that Mr. Hooke was -- other than what I have heard from hearsay but I had no personal knowledge of it. As I mentioned before I only had a very vague idea of the way I first heard of Mr. Hooke's involvement in this and even then I wasn't particularly interested.

Q So, as of the time the Commission decided to ask for the comments of Campbell and his associates, do you say now that you did not know that the Honourable A. J. Hooke was one of those associates?

A This 1951 report?

Q December 1951?

A Yes, I think I can say that.

Q Now, you said that the only way you became aware of it or, the way you became aware of it first was by hearsay?

A Yes.

Q Was that hearsay from Mr. Campbell?

A No I don't think so.

Q Or Mr. Lash?





2-P-9

Noel Dant - Crawford Ex.

A It may have been.

Q Or Mr. Holloway?

A It may have been. It was probably from one of my professional associates at the time. I probably wouldn't have believed anybody else if they had told me if it wasn't known well to them, vice versa I should say.

Q Mr. Dant, you referred to an experience that many counsel here have suffered from on occasion when you said that you went down to defeat in a democratically constituted vote and I think that was perhaps the nine to six vote or, in any event one of the votes where the decision was finally taken against your better judgment that Campbelltown wasn't going to be stopped as you hoped it would be in its then location and then concept. Do you remember you saying that? You said you just lost a vote, do you remember that?

A I could have done, --

Q You said that a few minutes ago?

A -- I don't remember those precise words but it is quite possible I said them.

Q And you said that you accepted that, of course, and you knew it would then go ahead?

A I knew it was --

Q You knew the project was then going to go ahead in spite of the fact --

A Well, after the secret ballot of nine to six, yes, I had to accept that as a fact of life it would go ahead and nothing would change it.



2-P-10

Noel Dant - Crawford Ex.

Q Do you have difficulty hearing me Mr. Dant?

A I am a little deaf, I am sorry, this is why I am straining to --

Q I see, I will approach you a little closer.

A I do a certain amount of lip reading instinctively and this is why I have been staring at you. I hope I haven't put you off.

Q No, not at all. With the combination of your malady and mine which is a bad cold today I am not surprised you can't hear me. The only other questions I have Mr. Dant were these. Did any person ever say to you in respect to Campbelltown the Minister wants this through?

A No never.

Q Did anyone ever say anything that you knew carried that meaning?

A No I don't think so.

Q And you refer particularly now, just a minute, you said you didn't think so, do you want to say anything more about that?

A Yes.

Q You don't think so?

A Well, would you just repeat the question again please?

Q I said in the first one which is essential to the second one, did anyone ever say to you the Minister wants this through?

A No.

Q And you said no?

A That's right.

Q And then I asked you if anyone ever said to you words that





2-P-11

Noel Dant - Crawford Ex.

Q (cont.) you knew meant the Minister wants this through?

A No, never.

Q That didn't happen?

A No.

Q In particular Mr. Holloway never said it?

A I don't think so. I don't think so, I think I would remember if he had.

Q And Mr. Lash?

A No, he wouldn't have said so.

Q Wouldn't have or didn't?

A Well he didn't.

Q And what about Mr. Campbell?

A Oh no, I don't ever remember anybody trying to influence me on my thinking on this thing. This is what you are really after.

Q That is all I am asking.

A Okay.

Q That is one of the reasons why we are here.

A Had they attempted, they wouldn't have been successful. I like to be independent on this thinking but nobody attempted to influence either my votes on the Commission when I was there or any other time particularly after I joined the Province. The thing still continues to grow. Nobody has influenced my statutory responsibilities on the matter, no.

Q Now, going from your memory as a member of the Edmonton



2-P-12

Noel Dant - Crawford Ex.

Q (cont.) Regional Planning Commission and from your personal knowledge, would it be fair to say that this is a short summary of the sequence of events; the application of Mr. Campbell to the Municipal District of Strathcona was provided to the Regional Planning Commission in November of 1951?

A Yes.

Q And in August of 1953 Mr. Holloway who was I believe Deputy Minister of Public Works?

A I don't think so, you may be right but I have never heard of him in that capacity.

Q What position did he have?

A In 1953 I think he became appointed Public Service Commissioner.

Q Public Service Commissioner?

A Yes.

Q That is a Provincial appointment?

A Oh yes.

Q So, in 1953 Mr. Holloway in effect forwarded Mr. Campbell's application and an outline drawing to the Commission?

A Well, as I mentioned earlier Mr. Crawford, yesterday was the first time I had seen this submission. I certainly don't remember it when I was on the Commission itself.

Q You don't remember it?

A I did mention a little earlier that I thought I left the Commission in '54 and I may be wrong, I may have left it in '53. I would like to get the correct date for you but I





2-P-13

Noel Dant - Crawford Ex.  
- Wright Ex.

A (cont.) think it was about July of '53 now that I left the Commission. I am sorry I gave the wrong impression before but I was struggling for dates. Yes, it was in '53. So, of course, I was on the Commission at the time presumably this drawing, this what we call an outline plan prepared by Mr. Holloway came up but I had never seen it before and I have got an item in my Provincial file on it with no copy of it so I was quite intrigued in a way to see what it said.

Q So you became aware of Mr. Holloway's part in forwarding the Campbell application more recently than -- in the course of this inquiry, I gather?

A Exactly.

Q Yes. Now, Strathcona left the Planning Commission, the Regional Planning Commission in 1954, is that right?

A That's right.

Q And the first subdivision plan that was registered was approved in 1955?

A That's correct.

Q And then Strathcona returned in 1956?

A That's correct.

Q Thank you, those are all my questions.

MR. WRIGHT EXAMINES THE WITNESS:

Q Yes, Mr. Dant, you have said that not at any time tried to influence you to bring pressure to bear on you, that is so?

A That is so, yes.



2-P-14

Noel Dant - Wright Ex.

Q You told us that it wouldn't have worked if they had done, also?

A No I don't think so.

Q But you were not the person at any time until 1960 to approve or disapprove anything, were you, in relation to Campbelltown?

A Oh, so far as Campbelltown goes, no, that is correct, 1960 was the first time I had some statutory responsibility in approving.

Q Yes, Mr. Gertler was a member of the staff of the Edmonton District Planning Commission in 1951, '52 and '53 was he not?

A That's correct.

Q And it was he that signed some of these plans of subdivision on behalf of the Edmonton District Planning Commission?

A That is correct.

Q Did you know him?

A Oh yes.

Q And did he ever indicate to you any pressure of any sort from any source?

A No.

Q Now, you have told us and it is on the plans that Mr. Gee signed some of the plans of subdivision on behalf of the Provincial Planning Advisory Board?

A No, I said on behalf of the Director of Town and Rural Planning.





2-P-15

Noel Dant - Wright Ex.

Q Well the stamp is the Provincial Planning Advisory Board, isn't it?

A No I mentioned before, the statutory, according to the Act at that time, it was the function of the Director to sign subdivision plans.

Q Oh yes?

A I want to make it quite clear, the Director of Town and Rural Planning or, the Provincial Planning Director now is indeed an executive member of the Provincial Planning Board but, the Director and the Board have also quite different functions or different statutory approving functions and on matters of subdivision they are not the Board's prerogative albeit some of the early plans had unfortunately a Board stamp which just had the Board's name on it which was countersigned by the Director of Town and Rural Planning underneath it.

Q Yes, that is all I am referring to Mr. Dant. It may have been the job of the Director but the stamp says Provincial Planning Advisory Board, doesn't it?

A That is correct.

Q Yes?

A It doesn't any more.

Q Right, and looking at the first one in time, this is signed by the acting director Mr. James B. Gee. Is this at all unusual that the acting director sign instead of the director?



2-P-16

Noel Dant - Wright Ex.

A I don't think one would say it is unusual, it certainly isn't now because my deputy has an Order-In-Council instructing him to do this work in my absence and I can only imagine at that time that Mr. Gee had a similar one but I don't know that.





2-B-1

N. B. Dant - Wright Ex.

Q Now, how long does it usually take for the permission of the Edmonton Planning, the Edmonton District Planning Commission and then the permission of the Provincial Planning Director to be obtained and their approval put on plans, what is the usual time lapse?

A You mean the length of time between the Director's signature and the Commission and my own signature, how long that takes?

Q Yes?

A Well, of course it varies in some particular complicated cases or difficult cases, I should say, complex cases, but provided that the linens which have been endorsed by the Director of the Commission contain the necessary information, which they generally do, it would be a matter of a couple of days I expect at the most.

Q I see, so that there is nothing unusual about the fact that most of these, on most of these the approval was within a day, one approval was within a day of another?

A No, I don't think so. I am a public servant -

Q Yes -

A And if somebody is in a real rush about something and can bring to me personally a piece of linen which was signed by Mr. Giffen yesterday -

Q Yes?

A - I would sign it on the spot if everything was all right.

Q Yes?

A I would not quibble about the time.



2-B-2

N. B. Dant - Wright Ex.  
- Maynard Ex.

Q Fine. Now, after your second discussion or so with Mr. Campbell about the idea of a satellite town near Edmonton, you indicated that the proposed site failed to fulfil some of the most important criteria of satellite towns?

A That is correct.

Q And suggested he find a place elsewhere?

A Oh, yes, we did. There were -

Q But -

A There were two or three other locations which were suggested.

Q Yes, but so far as you know Mr. Campbell did not, at least, leave aside "so far as you know", Mr. Campbell did not to you express any interest in any other location at anytime, did he?

A No, not personally to me, but we were told in one of the special committees that after investigation, some other sites he was still of the opinion he wanted the original site.

Q Yes, thank you.

THE COMMISSIONER: Mr. Maynard?

MR. MAYNARD EXAMINES THE WITNESS:

Q You mentioned earlier in giving evidence, in reply to Mr. Clement, that there had been a series of outline plans submitted involving Campbelltown; now, was that correct?

A May I have it again?

Q I am sorry.

A I am terribly sorry, I have been hearing you better when





2-B-3

N. B. Dant - Maynard Ex.

A (cont.) your back has been turned to me over there but -

Q You mentioned earlier in, to Mr. Clement, that there had been a series of outline plans submitted involving Campbelltown?

A Yes.

Q That is correct?

A That is correct.

Q When, over what period of time were these plans submitted to your knowledge?

A Ten years.

Q Over -

A Ten years.

Q When was the first one submitted?

A I look upon this proposal made by Mr. Campbell in late '51 as being the first proposal.

Q And was that -

A Now, this was called a "housing scheme" proposal, and the word "townsite" I believe was tagged on to it at that time and then it began to grow.

Q Yes, and this housing scheme or plan that was submitted by Mr. Campbell at that time, was it something, a document or an actual plan that you saw?

A No, I don't think it was a plan, it was a document, a proposal, indicating what he would like to do. Now, I may be wrong in that but I don't recall a plan.

Q Not even a type of a sketch plan?

A Really, Mr. Maynard, my memory is awfully hazy about those



2-B-4

N. B. Dant - Maynard Ex.

A (cont.) days, I just can't remember because there were so many plans that came later.

MR. CLEMENT: He may be talking about Exhibit 159.

MR. MAYNARD: We are talking about '51.

MR. CLEMENT: Yes, but there is an Exhibit he may be talking about. Exhibit 159 sounds to me like what he may be referring to.

Q MR. MAYNARD: I show you Exhibit number 159, which is a letter from Mr. Campbell to the Council of the Municipal District of Strathcona, which was subsequently I understand referred to the Edmonton District Planning Commission?

A Yes.

Q By just glancing over this could you recall whether there was any kind of a sketch plan or any other document attached to the letter?

A I really can't remember, I don't think so, Mr. Maynard, but I really don't remember now, but this was the fundamental thing which was up before our Commission.

Q And your Commission would not require for the purposes of consideration of the various matters raised in this letter any kind of a subdivision plan at this stage?

A No subdivision plan, I am almost certain about that. There may have been some sketches but I just don't remember at that time in that year.

Q Then do you recall when any kind of a plan, outline plan





2-B-5

N. B. Dant - Maynard Ex.

Q (cont.) or sketch plan or housing plan, was first submitted to the Commission or first came to your knowledge?

A Mr. Maynard, for a start, could we talk about a general plan, the overall plan, rather than subdivisions?

Q Yes.

A Okay.

Q Yes?

A Now, the next one I have on record and which I mentioned I have only just seen quite recently, an overall plan or general plan as we call them in the Act, prepared by Mr. Holloway, wrongly entitled a "subdivision plan", in my mind.

MR. CLEMENT: Exhibit 170.

A The only knowledge I have of that was that it was apparently filed with the Commission in 1953.

Q MR. MAYNARD: And that is this document that you saw yesterday for the first time, Exhibit number 170?

A Yes, that's right.

Now, I should say from my research into this matter of overall plans, we can call it by the colloquial word, is that there is no resemblance in this plan to any of the, its successors. In other words, nothing happened to that. It was, I think the only thing which was in common is possibly the location of the shopping centre, which had always been to my knowledge in the far southwest corner of that section, that quarter section too. The next thing



2-B-6

N. B. Dant - Maynard Ex.

A (cont.) that I have knowledge of is called the Count's plan, which was introduced the other day. In my file I have no record of it, what it looked like.

Q When was that plan prepared?

A 1954. And this plan was later substituted by what we call the Harmen-O'Donnell plan, both of these names are American planners who I don't know at all, but the Count's plan was substituted by the Harmen-O'Donnell plan. Now, I believe that some of the earlier subdivisions conformed to that plan, this is my belief, but at any rate these plans were ultimately knocked out again and substituted by other plans. I have got down here in my notes in 1958, that is my next reference, we have something in my file to the effect that there is a revised overall plan, but I have no record of the actual drawing and I have no record of approval, until 1959, this is what you want, Mr. Maynard?

Q Yes, that's right.

A Yes, until 1959, and I call this colloquially the Cole plan, but merely for identification, it was not called that officially on the plan but it was called Plan A in a pencil notation, but I call it Cole Plan A, and this plan received Provincial Planning Board approval in principle; and that was slightly amended in 1961 by what I call Cole Plan B, which is exactly the same as the other except that a golf course has been introduced into the original proposed subdivision up to the north of this part. Now, these are the various -





2-B-7

N. B. Dant - Maynard Ex.

Q Yes?

A - overall plans.

Q These are the various outline plans that you refer to and they started with the first plan of 1954?

A Yes, the Count's plan first came to the notice of my file, my Provincial file, in 1954, it may have been prepared in 1953 but it first came to our knowledge, you see this is just after Strathcona left the Commission.

Q Yes?

A So that our file began to get a little thick then, previous to that it was thin.

Q The only plan submitted before the 1954 plan was this general outline that was filed yesterday as Exhibit 170?

A Yes, I believe that, I have to assume that.

Q And you have no other plans or proposals submitted before that?

A No, I don't think so.

MR. CLEMENT: I would like to -

MR. MAYNARD: Plans.

MR. CLEMENT: I would like to follow as well as I can, are these ones from 1954 onwards, Mr. Dant, properly designated as "general plans"?

MR. MAYNARD: Outline plans.

A The Act at that time gives authority to a municipality to prepare a general plan or parts of a general plan, and that is the overall plan of a community. Now, a year after that the Statute was amended to say that the Commission could do



2-B-8

N. B. Dant - Maynard Ex.

A (cont.) all those things that the council could do with reference to that kind of thing, and this is the origin of where the, the statutory origin of where the Edmonton District Planning Commission were the approving authorities for that kind of overall general plan.

MR. CLEMENT: But what I'm asking you, Mr. Dant, is these plans, the Count's plan and so on -

A Yes.

MR. CLEMENT: - are they designated properly as "general plans"?

A You mean in their official records?

MR. CLEMENT: No, no.

A I cannot answer -

MR. CLEMENT: No, in the proper nomenclature of plans?

A Yes, I cannot answer for the Count's plan because I have never seen it, but the Harmen-O'Donnell plan, yes, I would call that a general plan, as well as the Cole plans.

Q MR. MAYNARD: As distinguished, as distinct from outline plans?

A I will call them the general plan if they involve more than a section of land, as some of them did later on. This is the difficulty of trying to get these things in their right context, the whole thing started off with a section but later on it grew. Now, within that one section you could say that a general plan was prepared, but when the thing began to grow it lost its general nature and became



2-B-9

N. B. Dant - Maynard Ex.

A (cont.) an outline plan because only a portion of the whole community -

Q Right, so that originally what might have been a general plan for the development of the particular community could then become simply an outline plan because of the expansion of the proposed development?

A That is possible, in this particular case but not as a general principle.

Q No, this is what happened in this case?

A Yes, I would say this, to get these things in their right level of plans.

Q Now, Mr. Dant, you mentioned that a signature was required on a plan, I think it is a subdivision plan, by either the developer or the owner; now, is that, are you referring to a subdivision plan in this case?

A Which one are you referring to now Mr. Maynard?

Q You mentioned that in filing, in submitting a plan -

A Yes, yes, submitting a plan, yes.

Q That the signature of the owner or the developer was required on the plan that was submitted?

A Yes.

Q Now, would that be a subdivision plan?

A Yes.

Q Only on the -

A Only on the subdivision plan, yes.

Q Only on the subdivision plan and not necessarily on the general plan or the outline plan?





2-B-10

N. B. Dant - Maynard Ex.

A No, unless there was some statutory authority for people to sign these too.

Q Now, was this requirement of the signature of the developer or the owner a statutory requirement or a requirement by regulation?

A On the registered plans?

Q Yes, on the plans submitted to you?

A Subdivision plans?

Q Yes?

A Yes, yes, it is a statutory requirement.

Q Not merely in the regulations?

A Well, it is in the subdivision plans, the subdivision and transfer regulations, for instance, but it is also in the Land Titles Act, I believe.

Q Oh, it is in the Land Titles Act for registration ultimately?

A Yes.

Q Yes.

A It has to contain the name of the owner.

Q But at the stage when the plan is submitted to you you also required the signature -

A No, no, I pay no attention to who the owner is.

Q That is not my point, my point was you required the signature of either one or the other?

A No, for my purposes of approving subdivision plans, no, I don't require the owner's name to be shown on the plan.

Q Just the name of the developer?

A On the actual final plan, it is none of my business whose



2-B-11

N. B. Dant - Maynard Ex.

A (cont.) names are on there, I mean my decision is not based on the name there.

Q I realize that, but what I am trying to get at -

A Yes.

Q - is, is there a distinction between the plans submitted to the, with the application, and the ultimate plan that is filed with the Land Titles Office; now, in the plan that is filed with the Land Titles Office the requirements of course are that there must be the signature or the name of the owner appearing on the plan?

A Yes.

Q But must the signature of the owner also appear or was it a requirement that the signature, but not the signature, the name of the owner should appear on the -

A On the tentative, when they come in first, not necessarily, no, I don't think there is any statutory requirement in our Act for it because often these plans are prepared by surveyors on behalf of their clients. Now, we do have the application form which accompanies the tentative plan which has the name of the owner on it.

Q Was it the practice of the Commission to require or request that the name of the owners of the parcels involved by shown on the application?

A I don't think so because, although I was a member of the Commission in those early years, I had nothing to do with the signing of these plans, these were left with Mr. Gertler, so I don't think there was any statutory require-





2-B-12

N. B. Dant - Maynard Ex.

A (cont.) ment to have names on the tentative subdivision plan.

Q Yes, Now, you also mentioned the fact that the final authority for the approval of the plans rested with the Director?

A Yes.

Q The Director of the Provincial Planning Board and not the Provincial Planning Advisory Board?

A Well, just a minute now, there is a little confusion of terms here. The statutory authority for approval of subdivision plans, the final ones, the linens, was the Director of Town and Rural Planning as of late 1950.

Q You can stop right there.

A This is for -

Q Yes, Mr. -

A Not the Board.

Q You laid a foundation again for my question; it was the responsibility of the Director of Town Planning to approve the plans finally and the Provincial Planning Advisory Board had nothing to do with the approval of the plans?

A No, not as a body.

Q What was the function of the Provincial Planning Advisory Board?

A Well, for instance, they could hear an appeal against that refusal to sign such a plan.

Q By the Director?

A Oh, yes, this is an anomaly which a lot of facetious



2-B-13

N. B. Dant - Maynard Ex.

A (cont.) remarks have been made about, but as an executive member of the Board my role, I have to also make decisions on subdivisions which come from municipalities that are not members of Commissions, which is about fifty percent of the province. Now, my decision is often appealed to the Board and I have to submit my reasons for refusal or whatever it was to the Board, but I do not sit on the Board on those occasions; but, however, I do sit on the Board when we hear appeals from the decisions of the Commissions who are also approving authorities on subdivisions.

Q But you do not sit on the Board when the Board is hearing an appeal from your own decision?

A Oh, I have to attend there but I am on the other side of the table.

Q You attend but -

A I have to submit why I refused it, you see.

Q I see, but you -

A But I don't participate in the decision or anything like that.

Q That is it. Now, the only time, who would appeal a decision that you might have made?

A Who?

Q As Director of Town Planning?

A Who can appeal?

Q Any party involved?

A On subdivision matters the only people who can appeal are



2-B-14

N. B. Dant - Maynard Ex.

A (cont.) actually the proposers of the subdivision, they can have their agents or anything like that, but this is another anomaly I suppose in the Planning Act where an adjoining owner, I have never yet heard has appealed a subdivision as proposed near him, unlike development matters.

Q Now, taking Campbelltown and the approval that had been given to it by the Director of Town Planning at that time -

A Yes.

Q - that decision could have been appealed by anyone?

A No, I don't think so Mr. Maynard.

Q Not at that time?

A No, I don't think an adjoining owner could have appealed it or something like that.

Q Well, not an adjoining owner, but could an appeal have been taken from the decision of the Director of Town Planning in connection with the Campbelltown site?

A No, we are out of the field of subdivision now.

Q Yes?

A We are talking about -

Q The answer is that the decision was given naturally by the Provincial Planning Board at that time and not by the Director?

A On the overall plan?

Q Yes?

A Not the subdivision plan, the overall plan?

Q The overall plan?





2-B-15

N. B. Dant - Maynard Ex.

A That is correct.

Q And there was no appeal from the decision?

A To the Board? To the courts on matters of law and jurisdiction.

Q Only to the courts. Now, you mentioned something about having become aware in due course, and you mentioned the word "involvement", and I repeat it, of the involvement of Mr. Hooke in the Campbelltown proposal; did you become aware of this involvement of Mr. Hooke's as an owner or as a prospective developer, or do you know?

A I don't know that either.

Q You didn't know in what nature he had become involved, he might be involved?

A I just heard his name mentioned in conjunction with Campbelltown but in what context I was never told at that time.

Q You were asked if Mr. Lash or Mr. Holloway endeavoured, had endeavoured to influence you particularly in connection with the Campbelltown proposal?

A That's right.

Q And your answer was no?

A That's right, they didn't attempt to influence me.

Q And Mr. Lash and Mr. Holloway were both Civil Servants?

A Yes.

Q And you at that time were an employee of the City of Edmonton?

A That's right.



2-B-16

N. B. Dant - Maynard Ex.

Q Is there any reason why a Provincial Civil Servant would have any influence on you as an employee of the City of Edmonton?

A I don't think so. We had violent arguments about it but no influence.

Q And has anyone since your return to the province ever attempted to influence you in changing your mind as to what you think, you thought then and what you think now about Campbelltown as a townsite?

A About Campbelltown, no. I might just say that Mr. Hooke and I never discussed Campbelltown and never have since I joined the province; and, equally, I have never discussed it with Mr. Holloway or he with me.

Q And did Mr. Gertler at the time that he was the Chairman of the Edmonton District Planning Commission ever try to influence you against -

A Mr. Gertler was the Director, you mentioned Chairman.

Q I beg your pardon, he was a Director, yes?

A No, he didn't attempt to influence me but we were both professional planners and agreeing on these principles of satellite growth, and we were in the same camp, as it were, we both thought it was wrong.

Q And undoubtedly you had discussions and arguments with Mr. Gertler?

A I would prefer to call them discussions because we were of the same mind.

Q Fine.





2-B-17

N. B. Dant - Maynard Ex.

A As against arguments.

Q Fine. Mr. Gertler never at anytime, or did Mr. Gertler ever suggest to you that the Minister, Mr. Hooke, was in favor of this?

A No.

Q And that he would appreciate your support?

A No, I don't think so, Mr. Maynard. I really am awfully vague as to my first knowledge that Mr. Hooke had some position in this thing, first came about, I just don't remember because I just wasn't interested in names.

Q Now, there has been some reference to the fact that the stamp of the Edmonton, of the Provincial Planning Advisory Board is placed on a number of these plans that have been filed when it was not necessary for the stamp to be there?

A Not necessary for who to be there?

MR. CLEMENT: The form of the stamp is a little inaccurate, that's all.

Q MR. MAYNARD: Yes, the stamp of the Edmonton, of the Provincial Planning Board?

A Provincial Planning Board, yes?

Q The Provincial Planning Advisory Board, and the approval had to be given by the Director of Town Planning, not by the Provincial Planning Advisory Board?

A No, no, on subdivision matters the decision is made by the Director, on the other matters the Director is a member of the Board, is present when the Board itself decides on the overall matter.



2-B-18

N. B. Dant - Maynard Ex.

Q Yes, but in some cases the decision of the Provincial Planning Board is not required, simply the decision -

A Not on subdivision matters, they have no authority on it, except on appeal.

Q That's right, and where they have no authority my understanding is that some of these plans still carry the stamp of the Provincial Planning Board?

A Yes, this is true, it is a little bit of sloppiness I would say in the formation of that rubber stamp.

Q Now, would you say that this type of sloppiness existed in other plans that were submitted for approval at the same time and during the same period?

A I would think, Mr. Maynard, that any of those plans, those subdivision plans, I would not think, Mr. Maynard, that any of those subdivision plans were ever shown, that we have got as Exhibits, were ever shown to the Board, I very much doubt it.

Q Well, what I am trying to get at, would this type of sloppiness exist only in these particular plans or was it a general type that existed in all plans that were being discussed and approved between this period of time?

MR. CLEMENT: Well, this is a rather an awkward question. If my friend means: was this particular stamp used every time the Director of Town and Rural Planning approved a plan, that is one question.

A Yes.

MR. CLEMENT: And it is an intelligible one; but I





2-B-19

N. B. Dant - Maynard Ex.

MR. CLEMENT: (cont.) don't know what this other vague reference is.

Q MR. MAYNARD: Well, the vague reference is, it was not intended to be a vague reference at all, Mr. Dant, it was using your own expression that it should not have been done but it was done.

A Yes.

Q And it was a little bit sloppy in view of the fact that it was done in this manner?

A I think it was because it mentions the Board and the Director, two different bodies.

Q Exactly, and what I am trying to get at, was this type of procedure carried out in other plans during the same period of time or was this procedure restricted to these particular plans involving Campbelltown?

A Oh, no, no.

Q It was general?

A Right across the province.

Q That's all, thank you very much.

THE COMMISSIONER: Before you embark on another, well, are you through, Mr. Maynard?

MR. MAYNARD: Yes, Mr. Commissioner.

THE COMMISSIONER: Have you any re-examination?

MR. CLEMENT: No, I think not, thank you, sir.

MR. STEER: I have one short question to ask Mr. Dant so that perhaps if it could be done before the adjournment if everybody else is through?





2-B-20

N. B. Dant - Steer Ex.

THE COMMISSIONER: Yes.

MR. STEER EXAMINES THE WITNESS:

Q Sir, this Exhibit 172, is that, well, south of what you described as the "Y" road there are subdivision plans 18, 15, 16, 19 and 17, now -

A Shown as Exhibits.

Q Shown as Exhibits, yes.

A Yes.

Q Are those what are described as "small holdings"?

A I suppose you could give that appellation to some of them.

Q These 28, 29 and so on -

A Yes.

Q - these pieces of property, what size are they?

A Well, at that time, Mr. Steer, a small holding had to have a minimum of three acres, and I think you will find that quite a few of those parcels are about three acres or a little more maybe.

Q And north of the "Y" road is the actual townsite of Campbelltown, is that right?

A Yes, I don't like to refer to it as a townsite because it is only a hamlet.

Q The hamletsite?

A But it is the urban part of it, is this what you are after?

Q And this part south of Campbelltown, south of the "Y" road, is it or is it not part of Campbelltown?

A Not in my mind.

Q No, thank you very much.



2-B-21  
N. B. Dant

THE COMMISSIONER: Thank you, Mr. Dant.

A Thank you.

MR. WRIGHT: Mr. Dant said he was going to look for any more plans he could and perhaps he could undertake to do that and if he finds them to let us know?

THE COMMISSIONER: Yes, Mr. Dant, you say you may have some files with respect to these various subdivision plans?

A Yes, yes.

THE COMMISSIONER: And that you will look and see?

A I will do that this afternoon.

THE COMMISSIONER: And would you contact Mr. Clement?

A Mr. Clement, yes. You would like to see if I can find the files on each of these files, subdivision files, subdivision plans, individual files?

MR. WRIGHT: Yes, with the view to seeing if there has been any difficulty with any Minister in connection with them, and that, of course is what we are after.

A Well, I better bring the files up to Mr. Clement if I can find them and let him work it out.

MR. WRIGHT: And in particular one thing, to see if there is any plan signed by Mr. Hooke in his capacity as Minister.

A Well, I will look up these files, certainly, Mr. Commissioner. I don't know if Mr. Wright was referring to copies of these overall plans, such as have been referred to as the Count's plan and the Harmen-O'Donnell one.





2-B-22  
N. B. Dant

THE COMMISSIONER: Were you referring to the subdivision plans or the outline plans or the general plans?

MR. WRIGHT: I was referring to two things, with regard to the possibility of dispute with persons higher in authority about subdivision plans, that relates to the files. As to the possibility of Mr. Hooke having signed any plan at all in a Ministerial capacity, that applies to any plan.

A Overall as well.

MR. WRIGHT: Yes, I don't know, it is based on certain information that has been supplied.

THE COMMISSIONER: Yes.

A You don't want me to file one of these plans now?

THE COMMISSIONER: It is up to Mr. Clement, have you got plans here?

A Well, I have one of the latter in my possession.

THE COMMISSIONER: I am going to adjourn now and you can discuss it with Mr. Clement and if there's anything else that requires to be filed, well, you can discuss it with Mr. Clement, and in the meantime we will adjourn.

(The Hearing adjourned at 11:25 A.M.  
and resumed at 11:45 A.M.)



3-M-1

N. B. Dant - Clement Ex.

MR. CLEMENT EXAMINES WITNESS:

MR. CLEMENT: Mr. Commissioner, perhaps I might be given leave to examine Mr. Dant in respect of these outline plans that Mr. Wright had called for at the conclusion of his cross-examination.

THE COMMISSIONER: Yes.

MR. CLEMENT: So this would in effect have the effect of opening up this subject again for cross-examination.

THE COMMISSIONER: Yes.

Q MR. CLEMENT: Mr. Dant, Mr. Wright asked you for what plans the records of the Director disclose which are variously described as outline plans or general plans -- that is, not the detailed subdivision, but the broad picture of what is going to be developed; and you did bring with you such of those that are available to your records?

A That's correct.

Q Would you start with the first of them? Mr. Dant, you have prepared a chronology? You have prepared a chronology of such plans according to the records you have been able to find?

A That's correct.

Q It may assist you, Mr. Commissioner, if I put this in -- .

A There is a little better copy.

Q Because it is indeed a little difficult at times to know what we're speaking of when we refer to the Counts plan and the Harmon-O'Donnell, and the time sequences, and this resume would at least give you the time sequences.





3-M-2

N. B. Dant - Clement Ex.

THE COMMISSIONER:

Yes, we will put that in as

Exhibit 173.

CHRONOLOGY AS PRODUCED IS MARKED  
EXHIBIT 173.

Q MR. CLEMENT: Have you before you your copy of  
Exhibit 173, Mr. Dant?

A Would you like me to go through in order?

Q Yes -- I will just review them with you.

A Yes.

Q The first item is dated 1951, original proposal by Mr.  
Campbell -- no record. You have already mentioned that?

A Right.

Q The next, 1953, September, the Edmonton District Planning  
Commission approving in effect the location of Campbelltown  
in its present site by the secret ballot of nine votes to  
six.

A That's correct.

Q And then in 1953, Mr. Holloway, as a private surveyor,  
submitted the tentative subdivision and the plan involved  
there is Exhibit 170, which you saw for the first time  
during this hearing.

A And it is not, in my opinion, a subdivision. It is an  
overall -- .

Q Exactly, so, it is an overall plan, yes; and then we come  
to 1954, a plan which has been designated by Mr. Giffen,  
and by you, as the Counts plan. Now, perhaps you might deal  
with that. Your notation is that you have no record of





3-M-3

N. B. Dant - Clement Ex.

Q (Cont.) anything -- .

A Absolutely, -- I have no record, absolutely; I have never seen that.

Q And it was an overall plan of some five sections. Do you have any record of it being dealt with?

A The Counts plan?

Q Yes.

A Yes, I have. I have a memo which gives some recollection of things, and the exact date is unknown to me, but sometime between October and November of '54 this plan was approved in principle by the executive council.

Q That is, of the Government of Alberta?

A Correct.

Q Is there any documentation in respect of that approval?

A I have a memo describing some historical events which included this, on my file -- if you call that a document. It is a recollection of events -- I think this memo was written about 1958, if my memory serves me, trying to recall what events happened in '53, '54, '55, possibly.

Q And who prepared this memorandum?

A It was prepared by Mr. Hooke.

Q By Mr. Hooke?

A Yes.

Q Perhaps we might -- .

A It was sent to the then chairman of the Provincial Planning Advisory Board.

Q Do you have it with you? May I have this memorandum marked, sir?



3-M-4

N. B, Dant - Clement Ex.

THE COMMISSIONER:

Yes, Exhibit 174.

MEMORANDUM OF THE HONOURABLE MR.  
A. J. HOOKE, MARCH 20th, 1958,  
IS MARKED EXHIBIT 174.

MR. CLEMENT:

The memorandum, Mr. Commissioner,

is dated March 20th, 1958, from the Honourable A. J. Hooke, Minister of Municipal Affairs, to J. H. Holloway, Chairman of the Provincial Planning Advisory Board. Re: Campbelltown. With reference to our telephone conversation of yesterday, this is to confirm your understanding that the overall development of the above townsite comprising Section 27-52-23- West of the 4th --- you will recall, sir, that the Southwest quarter of 27 is what has been called the Kaplan quarter-- together with four or five other sections of land to the north and east, was authorized by the executive council in 1954. This matter was dealt with by the council, to the best of my recollection, in late October or early November in 1954, at the request of the Honourable C. E. Gerhart, who was at that time Chairman of the Provincial Planning Advisory Board. The Board wished to have direction from the council, in view of the opposition to the proposed townsite that had been voiced by the City of Edmonton and the Town of Beverly, and which caused the Municipal District of Strathcona to withdraw from the Edmonton District Planning Commission a few weeks earlier. The material placed before the executive council consisted of a plan of subdivision of Section 27, prepared, I believe, by Mr. J. H. Counts, who was then associated with the applicant Mr.





3-M-5

N.B.Dant - Clement Ex.

MR. CLEMENT: (Cont.) John Campbell, and agreement made between Mr. Campbell and the municipality with regard to the provision and operation of utilities on the proposed townsite, and a letter from Mr. Campbell requesting approval and listing several quarter-sections on which he held options. Council endorsed the whole development in principle and authorized the Board to approve of the proposed subdivision of Section 27.

Shortly afterwards Mr. Counts withdrew from the project and in the early part of 1955 Mr. Trowbridge became interested in it. He and his associates did not favor the proposed Counts subdivision, and that plan was withdrawn and a new plan for the subdivision of Section 27, prepared by Mr. O'Donnell, was substituted. At the same time an overall plan of the whole townsite was drawn up and submitted to the Board. The revised plan of subdivision of Section 27 was accepted by the Board and approval of the overall plan was given in August or September of 1955 after I assumed the chairmanship of the Board. There should be a record of this in the Board minutes. If the developers now wish to submit a revised overall plan their application for approval of same should, in my opinion, be dealt with by the Board and not by the Edmonton District Planning Commission, in view of the manner in which the original approval was given as outlined above.

Now, is there any further



3-M-6

N. B. Dant - Clement Ex.

MR. CLEMENT: (Cont.) documentation in relation to this Counts plan that your records disclose?

A No, this is the only documentation I have on its existence.

Q Now, the next document -- the next entry on Exhibit 173 is the Harmon-O'Donnell plan substituted for the Counts plan, signed and approved by Mr. A. J. Hooke under the designation of Minister of Municipal Affairs. Do you have that document?

A Yes sir.

Q This is a photostat of the document in the records?

A It is a photostat of -- no, that is a photostat of a photostat, which is the only copy I have in my records.

Q Yes, I see.

A I haven't seen the original.

Q There is under date of September 25th, it is marked -- it is stamped "Approved", Municipal District of Strathcona -- by a signature that I find indecipherable.

A Yes, it's indecipherable to me, too.

Q We will have to go on the presumption of authenticity -- and also by A. J. Hooke, Minister of Municipal Affairs, September 23rd, 1955. There is attached to this a memorandum. Was this prepared by you or was it annexed to the copy which reached your hands?

A No, it was attached to the copy in my files before I came on the scene.

Q Are you able to recognize the handwriting?

A I think I would be prepared to say whose it was.





3-M-7

N. B. Dant - Clement Ex.

Q Who do think?

A Mr. Lash's.

Q Mr. Lash. It is in this -- these words, Mr. Commissioner:  
photostat of Campbelltown overall plan handed in by Mr.  
Campbell at Provincial Planning Advisory Board meeting of  
January 28th, 1957. See Board minutes. Mr. Hooke's  
signature represents the executive council approval. May I  
have this marked then?

THE COMMISSIONER:

Exhibit 175.

PHOTOSTAT OF HARMON-O'DONNELL  
PLAN WITH ATTACHED MEMORANDUM,  
IS MARKED EXHIBIT 175.





3-P-1

Noel Dant - Clement Re-ex.

Q Are there such Minutes as are referred to in that memorandum?

A I beg your pardon?

Q Are there Minutes of the Provincial Planning Advisory Board referred to?

A Oh yes, yes, I have a photostat copy of it.

Q Now Mr. Dant, you are producing the relevant part of the Minutes of a meeting of the Provincial Planning Advisory Board of January 28th, 1957 and being page 243 of the record of Minutes?

A That is correct.

Q I will read this for the record then Mr. Commissioner?

THE COMMISSIONER: Yes.

MR. CLEMENT:

"The Minister of Municipal Affairs, Mr. Gertler of the Edmonton District Planning Commission and Mr. John Campbell were present for this discussion. Mr. Campbell presented a proposed outline general plan for the whole of the Campbelltown Project and wished to know whether it would be accepted as a tentative plan of subdivision and if so whether a final plan of subdivision could be registered in accordance with this plan notwithstanding the fact that the Subdivision Regulations require the final plans be registered within twelve months of the date of approval of the tentative plan. Tentative plans have been prepared and final plans registered



3-P-2

Noel Dant - Clement Re-ex.

MR. CLEMENT: (cont.)

"for part of Section 27 only of the townsite area. Mr. Campbell however wishes some indication that the outline general plan will be approved in principal and tentative plans will then be submitted as the development proceeds stage by stage. All that is requested as present is the Board's approval of the scheme as a whole. The approval of the Municipal District of Strathcona has already been obtained but the company feels it should also have the Board's approval. Mr. Holloway noted there is nothing in the Act to cover this type of development scheme but he felt that the approving authority could approve in principle the overall scheme, tentative plans in detail being submitted when that part of the project is to be developed. Mr. Lash explained the type of development scheme being used at Hinton and some discussion took place on the merits of the twelve month time limit for tentative plan approval. Mr. Lash felt that the right to subdivide in a certain manner depended more on the validity of the developer's agreement with the local municipality than on the provisions of the Subdivision Regulations. Mr. Gertler stated that the Commission would be governed first of all by the original approval of the site by the





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Noel Dant - Clement Re-ex.

MR. CLEMENT: (cont.)

"Commission and the approval of the tentative plan of Section 27. If this came to the Commission for general approval of the whole scheme it would have to be treated as new material to be considered on its merits. Mr. Holloway noted that Mr. Hooke's signature on the overall plan represented the Executive Council's approval. As the twelve month time limit has expired for these tentative plans and Section 27 not registered, a new application to the Edmonton District Planning Commission should now be made. In this case Mr. Gertler stated a letter requesting a renewal of the tentative plans would be in order."

Q MR. CLEMENT: Now --

THE COMMISSIONER: Is that a separate Minute or just a continuation?

MR. CLEMENT: That is the whole of the Minute of that Board meeting relating to this topic.

THE COMMISSIONER: Yes, that will go in as Exhibit 176.

MINUTE OF THE PROVINCIAL PLANNING  
ADVISORY BOARD OF JANUARY 28th 1957  
ENTERED AS EXHIBIT 176.

Q MR. CLEMENT: Your next entry on Exhibit 173 is 1955, September, revised plan of subdivision of Section 27 approved by the Board and no record?



3-P-4

Noel Dant - Clement Re-ex.

A That is correct.

Q Then we come to 1958, a revised overall plan, no record of approval and revised tentative or really outline plan for neighbourhoods 1,2 and 3 covering mostly Section 27. I realize you have mentioned these before Mr. Dant in your testimony but I am just putting them in their sequence and confirming that you have no record. How did you come to put this down?

A Well I suppose you would call it, the record is, we have, is the Board order which is a piece of paper that has got writing on it but which mentions the fact a revised overall plan was in the offing but there was no attachment to it of a plan so, I have no record of the plan really.

Q Then we come to 1959 which refers to the plan you call the Cole Plan A, approved in principle by Board Order number 5359, do you have a copy of that plan that we can Exhibit here?

A Yes, I have a copy of the Cole Plan here. I am so much afraid that I have no copy of my copy and if I may have it back when the hearing is over, is that possible?

Q Yes, Mr. Short, this next Exhibit Mr. Dant would like back when the inquiry is over. This is it, Cole Plan A?

A Yes, the reason why I call it Cole Plan is that although it has got Trowbridge's name I believe --

Q Sherwood Properties it had become by then.

A Yes, that is right and I have a letter in here referring to





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Noel Dant - Clement Re-ex.  
- Gill Re-ex.

A (cont.) that, it was prepared by Mr. Cole.

Q Yes.

THE COMMISSIONER: That will be Exhibit 177.

COLE PLAN A ENTERED AS EXHIBIT 177.

Q MR. CLEMENT: Then the final item is under date of 1961, Cole Plan B, approved in principle by Board Order 18861 and you are now producing it?

A Yes.

Q This developments of overall plans was referred to in a general way by Mr. Giffen during his testimony?

A Yes.

Q Yes. May I have this marked sir?

THE COMMISSIONER: Exhibit 178.

COLE PLAN B ENTERED AS EXHIBIT 178.

MR. CLEMENT: Thank you Mr. Dant.

THE COMMISSIONER: Mr. Gill?

MR. GILL RE-EXAMINES THE WITNESS:

Q Thank you Mr. Commissioner. Mr. Dant, on Exhibit 175 there is the approval, September 20th, 1955 of the Municipal District of Strathcona and the illegible signature?

A Yes.

Q Was such approval required?

A I can only<sup>answer</sup>/that Mr. Gill in this sense. If Strathcona considered that to be a general plan under the Statute then they have got the approving authority to approve that kind of a thing but I have no record that it was submitted to the council as a general plan. In any event, a general plan





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Noel Dant - Gill Re-ex.

A (cont.) for approval by the local authority has to be done by a bylaw. I have no record of a bylaw. I think that approval there indicates, shall we say, an unofficial, we think it is a good plan, something like that, you see.

Q You might call it popular endorsement?

A Well, that is another phrase, I suppose.

Q Did the signature of Mr. Hooke as Minister of Municipal Affairs is dated September 23rd, 1955, on the plan?

A Yes, that is what the plan has.

Q Do you know when Mr. Hooke became Minister of Municipal Affairs for the Province of Alberta?

A I think I have the exact date; August 2nd, 1955.

Q And prior to that he had held the post of Minister of Economic Affairs?

A Public Works, squeezed between the two.

Q I see. How did you happen to come into possession of the memorandum from Mr. Hooke to Mr. Holloway of March the 20th, 1958, Exhibit 174?

A What was your question?

Q How did you happen to get a copy of this memorandum?

A It is my office file.

Q I see. Are there any other memorandums from Mr. Hooke to anyone in your department concerning Campbelltown?

A No, not in the office file.

Q Were you not asked that question earlier today?

A I don't recall, did I?



3-P-7

Noel Dant - Gill Re-ex.

Q I am just wondering?

A We haven't been referring to my file earlier today, just been referring to plans and things.

Q Well, you brought some other material with you, is there anything in it referable to Campbelltown and the Minister, Mr. Hooke?

A In my office file?

Q In what you have there?

A What I have got here is a piece of paper which I call the composition of the Provincial Planning Advisory Board through the different dates which I think is quite important.

Q Mr. Commissioner I suggest that it be tendered as an Exhibit have you any objection?

THE COMMISSIONER: That will be Exhibit -- just a minute.

MR. MAYNARD: Mr. Commissioner I am wondering, I haven't seen the document but, it appears to me that Mr. Dant has prepared some notes for the purpose of convenience for use at this inquiry. Now, if these are the notes that Mr. Gill is asking to be filed as Exhibits, well then, I don't think they should be filed.

THE COMMISSIONER: What were these notes prepared for Mr. Dant, this particular memorandum here that you have just handed to Mr. Gill?

A This piece of paper Mr. Commissioner is just a statement of fact, who was sitting on the different times over a period of ten years.

THE COMMISSIONER: Yes, and where did you obtain the





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Noel Dant - Gill Re-ex.

THE COMMISSIONER: (cont.) information from?

A This is a precis partly of my file on this kind of information and partly my research into the matter so I could be clear in my own mind.

THE COMMISSIONER: Would you like to see it Mr. Maynard?

MR. MAYNARD: If it is a matter, simply a matter of referring to facts on the file and a matter of convenience, I have no objection.

THE COMMISSIONER: Yes.

MR. MAYNARD: This is factual information Mr. Chairman, I have no objection to it.

THE COMMISSIONER: I think in that case, it might be helpful in pegging dates at different times.

MR. MAYNARD: Yes.

THE COMMISSIONER: We will put that in as Exhibit 179.

STATEMENT OF FACT CONCERNING THE  
SET UP OF THE BOARD OVER A TEN  
YEAR PERIOD IS THEN ENTERED AS  
EXHIBIT 179.

Q MR. GILL: Thank you Mr. Commissioner, I submit it is no different than the dates and the chronology he put in and I hope it will be useful. Have you anything further, sir?

A I have got another piece of paper which has got more factual information on in which I have listed out the different statutory subdivision authorities during the difficult period when there was a change and I have also got some excerpts from the prevailing Provincial Planning



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Noel Dant - Gill Re-ex.

A (cont.) Act at that time over a period of years as to who could be appointed to that board, statutory. There were changes made to the Statute over a period of three or four years during that time and I just prepared it to justify who was indeed appointed to the Board. May that be tendered?

THE COMMISSIONER: Would you like to examine it Mr. Maynard?

MR. MAYNARD: I don't think there is any objection to that. As a matter of fact, I think it will be very helpful.

THE COMMISSIONER: Put that in as Exhibit 180, that is a memo of -- how would you describe that Mr. Dant?

MR. GILL: It is headed Mr. Commissioner Statutory Membership of the Board, 1950 - 1960 and opposite is marked period of withdrawal M.D. of Strathcona from Edmonton.

THE COMMISSIONER: Yes, that will be Exhibit 180.

STATUTORY MEMBERSHIP OF THE BOARD  
1950-1960 ENTERED AND MARKED EXHIBIT  
180.

Q MR. GILL: Now, what else have you sir?

A I have got copies of these three Board Orders which have been referred to at various times by Mr. Clement which certain of these plans were approved on that list that you have down there.

MR. CLEMENT: Exhibit 173 refers to several Board





3-P-10  
Noel Dant - Gill Re-ex.

MR. CLEMENT: (cont.) Orders, sir. Do you want them in?

MR. GILL: Might they be tendered, Mr. Commissioner?

MR. CLEMENT: Order 1858 is the first one noted.

MR. GILL: I tender Board Order number 1858 of  
the 24th of June, 1958 as an Exhibit.

THE COMMISSIONER: That will be Exhibit 181.

BOARD ORDER NUMBER 1858 ENTERED AS  
EXHIBIT 181.

MR. GILL: I tender Board Order 5359 of the 30th  
of June, 1959.

THE COMMISSIONER: Exhibit 182.

BOARD ORDER NUMBER 5359 ENTERED AS  
EXHIBIT 182.

MR. GILL: I tender Board Order number 18861 made  
the 28th of June, 1961.

THE COMMISSIONER: Exhibit 183.

BOARD ORDER NUMBER 18861 ENTERED AS  
EXHIBIT 183.

A Mr. Clement has already referred to this piece of paper  
which wasn't filed yet which is just an analysis of all  
those plans down there giving the salient facts, plan  
number, date of registration, signatories, approving  
authority at that time and, so on.

Q I beg to tender this as an Exhibit being an analysis of  
Exhibit 172, the coloured map.

THE COMMISSIONER: That will be Exhibit 184.

DOCUMENT OF ANALYSIS OF EXHIBIT 172  
ENTERED AS EXHIBIT 184.





3-P-11

Noel Dant - Gill Re-ex.

A     The only other thing I have Mr. Commissioner is some further excerpts from Provincial Planning Board Minutes which deal with Campbelltown area but I don't honestly think they are relevant although it is not for me to determine what is relevant. For instance, it deals with the matter, one of them deals with the matter of public reserve land. I should explain that any subdivision, one tenth of the area has to be reserved for future parks and school sites although there are different methods of resolving that component part, this is what we call reserve land in subdivision work and there was a communication from Trowbridge and Associates at this particular meeting I am referring to where they wanted to know whether, for instance, that the golf course could be assumed to be part of the public reserve which they had given up as the owners of the property to the County Council, the M.D. Council at that time. I don't know whether you consider this relevant material. It is a detail.

THE COMMISSIONER:             Mr. Gill, would you like to look it over?

MR. GILL:                     Might I look it over?

A     Another matter brought up at a later meeting by the same person, A. L. Trowbridge, was with regard to the developer's share of the cost of installation of utilities, another detail in my mind. There are two separate meetings which dealt with that matter, one at length.



3-P-12

Noel Dant - Gill Re-ex.

MR. GILL: Mr. Commissioner we found yesterday with one report that we weren't going to put with a plan, an application, we regarded it at that time as being superfluous and we later found out we needed it.

THE COMMISSIONER: Yes.

MR. GILL: And, out of an abundance of caution I would beg to tender these as one Exhibit.

THE COMMISSIONER: Any of you gentlemen wish to examine these documents?

THE WITNESS: It is getting a little out of hand, is it, Mr. Commissioner? I have a Minute down here from the Provincial Planning Advisory Board around about the time that Strathcona was withdrawing. I should mention that the Provincial Planning Advisory Board meetings so far as I was aware although I was never a member of that particular Board but, the Provincial Planning Board now at any rate, the regular monthly meetings are not open to the public unless an individual in the public has a specific problem of business before the Board. This is different from when the Board hears appeals, of course which are full public meetings and, well, as such I presume that the Minutes of such a Board meeting under those conditions would be considered privileged material.

MR. GILL: If I might speak to that Mr. Commissioner? I do not think any privilege exists before this Commission concerning the Minutes of such a Board. I don't





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Noel Dant - Gill Re-ex.

MR. GILL: (cont.) think they have a privilege in any event.

MR. FRIEDMAN: Mr. Commissioner, it is not our attention to claim privilege on this material.

MR. MAYNARD: I have no objection to him filing them.

THE COMMISSIONER: Would you like to put all those papers in as one Exhibit Mr. Gill or would you like to break them down?

MR. GILL: I think they should be broken down for ease of reference in the future.

I tender Mr. Commissioner as one Exhibit pages 272, 292, 293, 303, 309, 310 and 330 being Minutes of the Provincial Planning Advisory Board in the period April 3rd, 1957 to July 12th 1957.

THE COMMISSIONER: That will be Exhibit 185.

MINUTES OF THE PROVINCIAL PLANNING  
ADVISORY BOARD NUMBERED 272, 292, 293,  
303, 309, 310 and 330 ENTERED AS EXHIBIT  
185.

A The only other two Minutes I have down here I think were consecutive meetings about the withdrawal of the M.D. of Strathcona from the Commission. This matter was discussed by the Board on two different occasions.

Q MR. GILL: I tender as an Exhibit Mr. Commissioner pages 416, page 33 and page 55 being Minutes of the Provincial Planning Advisory Board during the period March 27th, 1958, June 15th, 1956.



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Noel Dant - Gill Re-ex.  
- Bowen Re-ex.

A Yes, that's right.

Q And June 28th, 1956?

A That's right.

Q Dealing with the subject of withdrawal of the M.D. of  
Strathcona.

THE COMMISSIONER: Exhibit 186.

MINUTES OF THE PROVINCIAL PLANNING  
ADVISORY BOARD NUMBERED 416,33 and 55  
ENTERED AND MARKED EXHIBIT 186.

MR. MAYNARD: Was the first one '56?

MR. GILL: The first one was '58.

Q MR. GILL: Now, have we anything else in that  
nice green folder?

A No I believe you will find copies of what you have just  
filed. You can go through them if you like but, they are  
my copies.

Q I don't think I have any further questions thank you Mr.  
Dant.

THE COMMISSIONER: Mr. Bowen?

MR. BOWEN RE-EXAMINES THE WITNESS:

Q Tell me Mr. Dant, have you discussed the matter of Sherwood  
Park with the Honourable A. J. Hooke within the past six  
months?

A About Campbelltown?

Q Yes?

A No.

Q Has Mr. Hooke requested any files from your office within  
the last six months?



3-P-15

Noel Dant - Bowen Re-ex.

A No sir.

Q Has anyone in Mr. Hooke's office requested files from your office concerning Campbelltown?

A Not to my knowledge.

Q Have any of your employees taken files to Mr. Hooke's office? Files concerning Campbelltown?

A I am sorry, I didn't hear that last one.

Q Have any of your subordinates --

A Oh, my staff?

Q -- taken files to Mr. Hooke's office?

A I am not aware of any there is nothing in our office file about it.

Q I gather that your office and Mr. Hooke's office are in the same building?

A Oh yes.

Q Approximately 107th Street?

A They used to be when he was the Minister of Municipal Affairs.

Q Quite, up until recently?

A Yes sir, that's right.

Q And the files concerning Campbelltown, are they open to the Minister in this building at anytime?

A I think this particular file was in an unlocked filing cabinet.

Q So that it would be available to the Minister of Municipal Affairs?





3-P-16

Noel Dant - Bowen Re-ex.  
- Crawford Re-ex.

A I don't think he would want to do that, sir.

Q I am not asking that, sir, I am asking would it be available?

A I suppose, yes, it is available for anybody.

Q Easily?

A I suppose, yes.

Q Thank you kindly.

THE COMMISSIONER: Mr. Crawford?

MR. CRAWFORD RE-EXAMINES THE WITNESS:

Q Mr. Dant, there was an Order-In-Council passed in 1955 in regard to the subdivision plan, the one that has been referred to as bearing Mr. Hooke's signature on behalf of the Executive Council?

A I have no record of an Order-In-Council.

Q Well why would he sign on behalf of the Executive Council unless there was an Order-In-Council?

A I don't know. I can't explain a thing like that which I have no knowledge of. I am afraid I don't know what goes on at Executive Council I have never been present at any of their meetings.

Q It would be strange if you had. In other words, you have never seen an Order-In-Council, the one that stands behind the signature of Mr. Hooke on behalf of the Executive Council?

A No I have never seen such an Order if it exists.

Q Now, is the reason for the Executive Council as represented by Mr. Hooke concurring in that particular plan



3-P-17

Noel Dant - Crawford Re-ex.

Q (cont.) the fact that the Municipal District of Strathcona was, at the time in question, independent of the Regional Planning Commission?

A The only knowledge I have of that item is in that memorandum which has been filed there. At least I think it is in that memorandum in which it says that the then Minister of Municipal Affairs, Mr. Gerhart, C. E. Gerhart felt that he should get the opinion of Executive Council on the matter because of the opposition from the City of Edmonton and the Town of Beverly and I can only assume that was the reason why it was taken up to Executive Committee by the Minister, the then Minister.

Q I guess you weren't there at that time anyway, were you?

A No I wasn't.

Q Now, about the files that you brought and referred to and Mr. Gill has asked you in some detail about them, are there correspondence files?

A Well we just have one file that we call Campbelltown, anything that refers to it is in it. There is correspondence there is copies of the Board Orders, a few plans which we have already submitted and that kind of material, just anything to do with it but not the individual subdivision files which Mr. Commissioner has asked me to look at when I get back to my office, they are separate.

Q So apart from the individual subdivision files there is one file that you know of only that relates to Campbelltown?





3-P-18

Noel Dant - Crawford Re-ex.

A That's right.

Q And that would include correspondence as you have said?

A That is right.

Q And is that where the memorandum from Mr. Hooke to Mr. Holloway came from?

A Exactly.

Q Now, are there any other matters on that file in the nature of correspondence from any person to Mr. Hooke or from Mr. Hooke to any person?

A I don't think so but I could make a quick check if you like.



3-B-1

N. B. Dant - Crawford Ex.

Q Would you do that? I understand you are looking at an index of file contents?

A Correct.

MR. FRIEDMAN: Mr. Commissioner, I might add that this index is of file content and was prepared at my request when I received notification from Commission Council that he wanted certain documents, and this document that Mr. Dant is now referring to was prepared for submission to Counsel.

MR. CRAWFORD: Perhaps I could see it then?

MR. FRIEDMAN: Now, Mr. Commissioner, "Counsel" there was singular rather than "Counsel" plural.

MR. CRAWFORD: Counsel singular rather than Counsel plural, I see, all right.

A May I have a direction, Mr. Commissioner, in answering the gentleman's question?

THE COMMISSIONER: Well, what is the question?

A He wanted to know if -

MR. CRAWFORD: I was going to look at it, but Mr. Friedman is in effect objecting to that.

THE COMMISSIONER: You will have to ask, you will have to place your question, your specific question you want to ask him now and then Mr., well, I understand, Mr. Friedman objects to this list being made available?

MR. FRIEDMAN: Yes, Mr. Commissioner, I do. That was prepared for my information.

THE COMMISSIONER: Yes. Now, place a specific



3-B-2

N. B. Dant - Crawford Ex.

THE COMMISSIONER: (Cont.) question you want to ask, Mr. Crawford, and then we will find out whether anybody objects to the question being placed.

Q MR. CRAWFORD: I will just approach it in a different way then, Mr. Commissioner. Mr. Dant, have you yourself checked the file that you have access to regarding Campbelltown to see if this index is correct?

A I prepared this index myself.

Q Can you bring the file tomorrow?

A It is right here.

Q It is here now, may I look at that?

A Well, this is connected with the list, the listing, I think Mr. Friedman just made a remark about that.

THE COMMISSIONER: Mr. Friedman?

MR. WRIGHT: He has already given his answer on that, that we can look at it.

THE COMMISSIONER: I beg your pardon?

MR. WRIGHT: He has already given his answer on that, this may be privileged but the file itself we can look at.

THE COMMISSIONER: Well, I am asking Mr. Friedman what his position is.

MR. FRIEDMAN: Mr. Commissioner, I would beg leave to leave this matter in abeyance to review the file again.

THE COMMISSIONER: You would like to review the file?





3-B-3

N. B. Dant - Crawford Ex.

THE COMMISSIONER: Now, anything else, Mr. Crawford?

MR. CRAWFORD: No, Mr. Commissioner, subject to any further examination of Mr. Dant based on the file if it is produced, those are all my questions.

THE COMMISSIONER: All right. Now, have any counsel, do any counsel wish to make any observations regarding Mr. Friedman's position?

MR. WRIGHT: Yes sir, certainly, with respect, Mr. Commissioner, this witness was subpoenaed to bring the files about this matter. He did so and Mr. Friedman as counsel for the Government knew that this was to be done sometime ago because of this index. He should long ago have decided whether he claimed privilege for any part of those files. I cannot for one minute think of anything in such a file that pertains to the safety of the State, which is the sort of thing they are talking about if they are to be privileged, that he could base such a claim on, and he should have his answer now, and I for one want to see that file right now.

THE COMMISSIONER: Mr. Gill?

MR. GILL: I join in that application. I might point out, Mr. Commissioner, that in exhibits that have already been filed, I notice this now, notes, "Exhibit 39, in office file", "Exhibit 40, in office file", "Exhibit 41, in office file", "Exhibit 42, in office file", and I want to look at that office file, Mr. Commissioner. Wherever



3-B-4

N. B. Dant - Crawford Ex.

MR. GILL: (Cont.) there has been something dealing with Campbelltown or Mr. Hooke, the minute has been noted and a notation put opposite it, and obviously someone has built an office file, and I think this Commission is entitled to look at that office file.

THE COMMISSIONER: Now, Mr. Bowen?

MR. BOWEN: I certainly concur in what my learned friends have said, sir.

THE COMMISSIONER: You are the one that initiated the question, Mr. Crawford. Now, Mr. Maynard?

MR. MAYNARD: Mr. Commissioner, I have no objection to the file being produced.

THE COMMISSIONER: Mr. Clement?

MR. CLEMENT: Well, of course, we are somewhat uncertain whether Mr. Friedman is actually taking any objection or not, sir.

THE COMMISSIONER: Well, I am trying to find his point of view, are you taking an objection on the ground of privilege, Mr. Friedman?

MR. FRIEDMAN: No, Mr. Commissioner, I am not taking any objection. There may be matters of, strictly of an interdepartmental nature that perhaps should be privileged. As you understand, there are many matters discussed in a department that perhaps should not be aired in public, and if committees are going to be free to discuss things fully and if people working together are going to be free to discuss





3-B-5

N. B. Dant - Crawford Ex.

MR. FRIEDMAN: (Cont.) things fully without fear of having the nature of their conversations disclosed in public, they must be free of this, otherwise they are not going to be free to discuss.

THE COMMISSIONER: Well, that is true, Mr. Friedman, but are not you in effect arguing that interdepartmental memos, and so forth, are privileged now? I think you will have to put up quite a strong argument.

MR. FRIEDMAN: Well, Mr. Commissioner, I am not voicing this, I am not voicing an objection at this time, but certainly there is case authority for the proposition that interdepartmental matters and interdepartmental memos are privileged.

THE COMMISSIONER: Well, what is your position?

MR. FRIEDMAN: All I am asking, Mr. Commissioner, is an opportunity to review the file and state again whether or not there is any matter on which we wish to claim privilege.

THE COMMISSIONER: I think you are entitled to examine the file and see if there are any documents on there to which you feel privilege does attach. Then we will have to argue it on a specific item.

MR. FRIEDMAN: I don't believe that there are.

THE COMMISSIONER: Well, we will adjourn for ten minutes and see if we can dispose of this before we adjourn for the weekend.



3-B-6

N. B. Dant - Crawford Ex.

(At this point, 12:35 p.m., the  
sittings adjourned until 12:42 p.m.)

THE COMMISSIONER:

Mr. Friedman?

MR. FRIEDMAN:

Mr. Commissioner, I am not claiming  
privilege for any of the documents on the file. I might add  
that I notice that back in 1957 I was asked for a short  
legal opinion with regard to one of these matters that came  
up, and I am not claiming privilege on that either. I might  
add that I was looking to see whether there was anything of  
a personal nature on the file that did not bear any relation-  
ship whatsoever to this inquiry.

THE COMMISSIONER:

You may proceed, Mr. Crawford.

Q MR. CRAWFORD:

Mr. Commissioner, may I suggest  
now, my suggestion now is that the file be entered as an  
exhibit.

THE COMMISSIONER:

Yes, that will be Exhibit 187.

GOVERNMENT FILE AS PRODUCED MARKED  
EXHIBIT 187.

Q MR. CRAWFORD:

Has anything been removed from the  
file before it was brought here, Mr. Dant?

A Nothing.

Q Mr. Commissioner, well, that is to your personal knowledge?

A Well, I have had the file for the last three weeks in my own  
personal brief case and I know that nobody has touched it.

Q For the last three weeks?

A Yes.

Q Mr. Commissioner, because any question of Mr. Dant based on





3-B-7

N. B. Dant - Crawford Ex.

Q (Cont.) the contents of the file would take quite a while to conceive, having to read the file through, I have no further questions of Mr. Dant subject to what may come from an examination of the exhibit.

THE COMMISSIONER: Yes, well, we will adjourn on the basis that Mr. Dant will be available on Monday morning when we reopen if there is any questions to be asked. That is, arising out of the file.

MR. CRAWFORD: Thank you, Mr. Commissioner. I wonder if I might interject at this time, sir, and if there is any difficulty over it then I will raise that at another time, but if Mr. Clement agrees at once it will be very simple. The Order in Council I asked Mr. Dant about, I wonder if that could be produced when the Commission resumes Monday or Tuesday.

MR. CLEMENT: There has been no suggestion of an Order in Council having been passed, sir, and I know of none. There may be, and if so it will be in the Gazette, but the only evidence is that there was no Order in Council.

MR. CRAWFORD: My problem is and the question that I cannot really ask Mr. Dant about, I can certainly ask Mr. Hooke when the times comes.

THE COMMISSIONER: Yes and -

MR. CLEMENT: And that is a very appropriate time then.

MR. CRAWFORD: I don't see how there could be a





3-B-8  
N. B. Dant - Crawford Ex.

MR. CRAWFORD: (Cont.) signature on behalf of the  
Executive Council unless there was a meeting of that Council.

THE COMMISSIONER: I think, Mr. Crawford, well, Mr.  
Crawford, I don't think that Mr. Dant is the proper person  
to say whether or not there was an Order in Council or not.  
The signature appears on that and he says he doesn't know  
why it appears, and I think therefore that you will have to  
explore that when Mr. Hooke comes because he is the man, he  
signed it and he can say under what authority he signed it  
and then you can go behind the signature if there is some  
document that you want to see.

MR. CRAWFORD: Very good, sir.

THE COMMISSIONER: I think it is a matter to be dealt  
with when Mr. Hooke appears.

MR. WRIGHT: Unless Mr. Maynard, who was  
Attorney General at the time, can help us, Mr. Commissioner?

MR. MAYNARD: Well, Mr. Commissioner, all I can  
say is that very often a Minister before discharging his  
responsibility under a Statute, will confer with his  
colleagues in the Cabinet to make sure that the approval, the  
decision he is going to make or whatever document he is going  
to sign receives the approval of the Cabinet because it  
becomes Government policy and I visualize that that is what  
happened in this particular case.

MR. CRAWFORD: Mr. Commissioner, just one request  
then that I will make of Mr. Clement, it is an application



3-B-9

N. B. Dant - Crawford Ex.

MR. CRAWFORD: (Cont.) to you in effect, sir:  
the minutes of the meeting of the Executive Council, in the  
absence of -

MR. FRIEDMAN: Mr. Commissioner, I think that it  
has long been a principle that anything that goes on in  
Cabinet is strictly secret and I would have to claim privilege  
on the disclosure of any Cabinet meetings or minutes.

MR. CRAWFORD: Just the minutes.

MR. FRIEDMAN: I don't know that they are recorded  
in the way of minutes.

MR. CRAWFORD: We are hearing that this was not  
an official meeting, Mr. Friedman.

THE COMMISSIONER: I beg your pardon?

MR. CRAWFORD: I say that there is some indication,  
and I know what we are into now because Mr. Dant cannot tell  
us, but if there was not an Order in Council in respect to  
which he signed on behalf of the Cabinet, there was no  
official meeting, with respect.

THE COMMISSIONER: I think, Mr. Crawford, you are  
premature in that. When you have Mr. Hooke and Mr. Hooke is  
a witness here and you are referring to the signature, then  
is the time when you should propose and develop what you  
consider to be a relevant question and develop these  
questions. Then if there is a matter of privilege it will  
be argued and disposed of, but I don't think Mr. Dant, I  
don't think it has any relevance to him at all at this time.





3-B-10

N. B. Dant - Crawford Ex.  
- Wright Ex.

MR. CRAWFORD: I will leave the matter at that,  
sir.

THE COMMISSIONER: Yes, I don't think Mr. Dant has  
any connection with it.

MR. CRAWFORD: Very good, sir.

THE COMMISSIONER: Now, Mr. Wright, have you anything  
further?

MR. WRIGHT EXAMINES WITNESS:

Q Yes. The chronology of the various plans as set out in  
Exhibit 173, Mr. Dant, which you produced, and the first  
tentative plan that we have, overall plan, is that of Mr.  
Holloway's which you saw for the first time the other day  
and which we do have a copy of, right?

A No, I have no copy of it.

Q No, no, no, we have.

A Yes, yes.

Q The second one is the Count's plan, and you cannot find that  
anywhere?

A No.

Q But it must be around someplace, can you give us any sugges-  
tion as to where?

A I am sorry, Mr. Wright, I have looked everywhere but this  
happened when I was with the City, and I just don't know  
what it looks like.

Q Was this before or after the, this must have been after the  
withdrawal of Strathcona from the Edmonton District Planning  
Commission?



3-B-11

N. B. Dant - Wright Ex.

A Yes, it was.

Q So that the only other logical place would be, apart from Mr. Campbell of course, the Municipal District?

A I don't know.

Q Or the County?

A It might be down there, but this is after Strathcona withdrew so that they may not have it.

Q Yes.. Who was Counts?

A I understood he was, I understand he was kind of a planner from Kansas City.

Q Was he any good?

A I have never seen his plans so that I cannot tell, I don't know the person personally.

Q Who was he brought in by?

A I cannot answer that, I'm afraid I don't know.

Q I see. Did he not appear on the scene while you were still a member of the Edmonton District Planning Commission?

A No. I think I did a bit of disservice by saying that I thought I had left the Commission in '54, but it was in '53, so that I had already left the Commission.

Q Yes, the Edmonton District Planning Commission to your knowledge did work on an outline plan, did it not, considerable work?

A Yes, I was told this.

Q And -

A Later on, not in the start of things, of course.



3-B-12

N. B. Dant - Wright Ex.

Q Yes, this was in 1953 though?

A It could be, I really don't know, I didn't see the work.

Q Before or after the approval of the principle?

A Oh, it must have been after the approval in principle.





3-B-13

N. B. Dant - Wright Ex.

Q Yes, and then were they at anytime asked to approve another plan, all of the sudden?

A I couldn't answer that, I am sorry, I don't know.

Q Thank you. Now, this is what you call an outline plan? (producing document.)

A Yes.

Q Exhibit -

A Yes, in terms of how things developed. It might be called a general plan at one time.

Q It was called a general plan at one time?

A Yes, but it has now left that realm and one could call it an outline plan because the thing has got so much bigger than that.

Q Fine, it is Exhibit 175 I am referring to, and earlier in your testimony this morning you said that the person who, the body that approves this is or was the Provincial Planning Advisory Board?

A Yes.

Q And how would their approval normally be endorsed?

A Well, I would imagine with the usual Board stamp with the signature of the Chairman.

Q Yes, and the Chairman at that time was who?

A You are talking about '54 now, are we?

Q This is September '55.

A September '55, that would be Mr. Hooke would be the Chairman at that time.

Q Of the Provincial Planning Advisory Board?



3-B-14

N. B. Dant - Wright Ex.

A Yes. I think, let me confirm that, I think Mr. Hooke became Chairman on August 2nd 1955, that's right, yes, he was the Chairman of the Board at that time.

Q Is this exofficio or just, it is a matter of custom, or what?

A The Statute just says that the Lieutenant Governor in Council may appoint any person at that time, I don't think he is there necessarily exofficio, but -

Q Yes, is it not the case, however, that even with these outline plans the Board would require the opinion of the Director before passing on it themselves?

A Oh, yes, I would think so, in the general sense.

Q But you say not the endorsement of his signature?

A No, I don't think the Director has the authority to sign that kind of a plan, it is not a subdivision plan.

Q I see. At the relevant date, that is to say between August and October 1955, the members of the Provincial Planning Advisory Board consisted only of Mr. Hooke, his Deputy Mr. Judge, and Mr. Lash?

A That is correct.

Q And does your file disclose whether Mr. Lash was opposed to this plan, Exhibit 175, or not?

A No, I don't think they do, I can't find a record of it.

Q Yes. You don't know what his attitude was about that?

A No, I don't know his personal feelings about it.

Q Neither Mr. Hooke nor Mr. Morrison are, of course, planners?

A I am sorry, Mr. Wright?





3-B-15

N. B. Dant - Wright Ex.

Q Neither of the other two members were Town Planners, obviously we know Mr. Hooke -

A No, non-planners.

Q Yes?

A Yes, oh, yes.

Q Can you think of another case where approval of an outline plan was referred to the Cabinet?

A No, I don't recall another occasion.

Q Would you not describe this procedure at this point as entirely extraordinary, based on your knowledge?

A I would have to take that into the context of the fact that Strathcona had withdrawn from the authority which it normally would have to approve that, and as, hence there was a vacuum at that time for this kind of a document to be approved, and I would say if that situation was extraordinary then this process was extraordinary, but I don't think it was extraordinary under the conditions that existed at that time.

Q It was unique, it is unique so far as you know?

A Well, in the sense that unique means once, that is the only time I have heard of it.

Q Yes, but in point of fact the Provincial Planning Advisory Board was the sole authority to approve this at the time?

A Well, I am not a lawyer, Mr. Wright, and I have to interpret the Act as I see it as a layman.

Q Yes, naturally.

A And if I have that kind of question thrown at me in my



3-B-16

N. B. Dant - Wright Ex.

A (cont.) office I would refer it to the Attorney General for an opinion, I think.

Q Yes, yes, but so far as everyone understood and the practice went they were the, there were two approving authorities, the municipal, the Edmonton District Planning Commission and the Provincial Planning Advisory Board, and in this case the Planning Commission was out, leaving just the one; was that not your understanding?

A Yes, I would have to say that would be the position at that time.

Q Yes, so that there would be no reason that you can see from the files or from your experience that this should have to go to the Cabinet?

A Well, I think I have tried to answer that before, Mr. Wright, by saying that in these particular circumstances I suppose such a thing could happen.

Q Yes, because of the matter of public policy regarding the establishment of such a place in Strathcona, is this what you are getting at?

A It could be, you are describing events which I was not personally present at.

Q Yes, of course. If any member of the Provincial Planning Advisory Board has an interest in any of the premises under discussion, is it not the custom for such member to excuse himself from sitting?

A Yes, we have had one or two examples of that. A little, going a little further, if one of the Board members, I





3-B-17

N. B. Dant - Wright Ex.

A (cont.) remember on one occasion, has any business contact with an appellant he has removed himself from that Board on that occasion.

Q And how long has this been the custom?

A Ever since I have been on it.

Q Is it common for Alberta Land Surveyors who are in the employ of the Government to make application on behalf of a private developer to the Provincial Planning Advisory Board or the Edmonton District Planning Commission?

A I think that, with all due respect, Mr. Commissioner, this is the kind of question that should be put to you. I am not here in a sense of judging something.

Q Perhaps the Reporter would read the question back, please?

THE REPORTER: (By reading)

"Is it common for Alberta Land Surveyors who are in the employ of the Government to make application on behalf of a private developer to the Provincial Planning Advisory Board or the Edmonton District Planning Commission?"

THE COMMISSIONER: The question he placed is not as to whether, as to the correctness of it or the propriety of it, but it is just as to whether or not it was the practice to your knowledge, so that you can answer that question.

Q MR. WRIGHT: Is it common, that was the question?

A Well, I am a bit lost now, do you mind if the Reporter reads that back once more, I am sorry, it is a lengthy





3-B-18

N. B. Dant - Wright Ex.

A (cont.) question.

THE REPORTER: (By reading)

"Is it common for Alberta Land Surveyors who are in the employ of the Government to make application on behalf of a private developer to the Provincial Planning Advisory Board or the Edmonton District Planning Commission?"

Q MR. WRIGHT: Or the Edmonton District Planning Commission?

A Well, it depends, let's say the, well, the Director of Surveys is a Civil Servant, a Provincial Government employee, and by virtue of his Statute, The Alberta Surveys Act, he has to submit subdivision plans to us under a different Statute, we being the approving authority.

Q On behalf of a private developer?

A When Crown land is involved and there is some kind of a re-plot, yes, on occasion.

Q Yes, it can cover private developments?

A Oh, yes, yes. In the case of a highway right-of-way for instance, where private land is involved.

Q Yes there was no Crown land involved in this, in the case of this section, was there?

A I don't suppose so, I don't know if there was any Crown land at that time.

Q But apart from such instances where in substance the developer is making the application on behalf of the Crown, do I take it that your answer would be "No, it is not



3-B-19

N. B. Dant - Wright Ex.

Q (cont.) common."?

A Not proper, you say?

Q No, no, no, common?

THE COMMISSIONER: He is not asking you as to the propriety?

A No, I would say it is not common, I would have to say it is not common.

Q MR. WRIGHT: Can you think of it happening at all?

A I think there have been one or two occasions but nothing very important.





4-M-1

N. B. Dant - Wright Ex.

Q Now, in 1958 does your file disclose why Mr. Hooke did write to Mr. Holloway, that memorandum which is in evidence as Exhibit 174?

A No, there is nothing prior to the writing of that memo which would cast any light why it was written.

Q By this time Strathcona had returned to the Edmonton District Planning Commission?

A Yes -- yes, they would have done.

Q So that what Mr. Hooke is suggesting is that the normal channel be not followed for the reasons he sets out.

A Yes, I think I see what you are getting at. I think -- you say "normal channel" -- I think we are in this situation where unfortunately a member of the -- a member municipality withdrew from the Commission, an extraordinary situation was created which had repercussions for some months after it came back again, wherein things were getting back into shipshape, so -- I would say not normal -- you mention the word "normal" -- I don't think this was a normal situation at the time this was written -- not the date of the memo, but the events which Mr. Hooke is trying to recall in that.

Q Do you yourself have personal knowledge of what caused the Municipal District of Strathcona to withdraw?

A Well, I have my own feeling about it because at successive meetings of the Commission it was pretty obvious to anybody who was using their eyes and ears that some of the applications which came to the Commission from the M.D. --



4-M-2

N. B. Dant - Wright Ex.

A (Cont.) nothing to do with this one -- I got the impression that the Municipal District didn't like a "no" answer. What I mean is that they felt they had the prerogative, as they had under the Statute, of making their own decisions; they were in the Commission voluntarily, on a co-operative effort; but I think the reasons why they did withdraw have already been mentioned in this hearing, in one of the minutes of the Commission.

Q Yes. Mr. Commissioner, I have one or two more questions, but they may be different or may be answered by an inspection of the files, so perhaps -- .

THE COMMISSIONER: Yes, we're going to have Mr. Dant back here on Monday for the express purpose of permitting him to be examined with respect to any contents of his files, and if your question is with respect to that you will have an opportunity, Mr. Wright, to examine him on that aspect.

MR. WRIGHT: Well, in that case is it your intention --.

THE COMMISSIONER: Yes, this is a good -- we have a break -- I think probably this is a good point for us to adjourn over the weekend, and then we can resume -- .  
Mr. Gill?

MR. GILL: Mr. Commissioner, you did mean Tuesday morning, did you not?

THE COMMISSIONER: I beg pardon?

MR. GILL: You did mean Tuesday morning?

THE COMMISSIONER: Tuesday morning, not Monday --





4-M-3

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THE COMMISSIONER: (Cont.) yes, Tuesday morning.

A I very much regret, Mr. Commissioner, I had no idea that this was going to be on this length of time, and I have an important meeting out of the province leaving on Monday afternoon.

THE COMMISSIONER: When do you expect to be back?

A I will be back about nine o'clock on Wednesday morning.

THE COMMISSIONER: Wednesday morning. Gentlemen, Mr.Dant informs me that he has committed himself to a meeting outside of the City on Monday, and that he will be available again on Wednesday morning. Mr. Clement, could we proceed with another witness in the meantime and then revert to Mr. Dant on Wednesday morning --have any counsel any objection to that?

SEVERAL VOICES: No objection.

THE COMMISSIONER: Well, that's fine, Mr. Dant, if you are here on Wednesday morning at nine o'clock.

MR. CLEMENT: Ten o'clock?

THE COMMISSIONER: I beg your pardon?

MR. CLEMENT: Did you say you would be available by ten o'clock?

A I think my plane gets in at nine-thirty -- .

THE COMMISSIONER: Oh.

A -- in the morning, Wednesday morning.

MR. CLEMENT: If you would come here from the plane -- .

THE COMMISSIONER: As soon as it is convenient for





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THE COMMISSIONER: (Cont.) you to be here.

A I will come straight down.

THE COMMISSIONER: Yes, and if you do have time, would you check your files with regard to these various subdivisions, and if there's anything, any files with respect to any of these subdivisions, subdivision plans, anything material at all, would you make it available to Mr. Clement?

A I will certainly do that.

THE COMMISSIONER: Yes, fine, so we'll adjourn then, until Tuesday at nine o'clock.

MR. CLEMENT: May I suggest, sir, that in respect of the last exhibit filed, the file of documents, that arrangements might be made that it be available to all counsel --if Mr. Short could make arrangements with counsel so that they could review it at a convenient time -- . Have you any preference as to the time? I presume it might be Monday -- or do you want it this afternoon?

MR. WRIGHT: Monday is fine.

MR. CLEMENT: How about other counsel?

MR. BOWEN: That will be satisfactory.

MR. CRAWFORD: Yes.

MR. CLEMENT: Two o'clock?

MR. WRIGHT: I would prefer the morning; I happen to have an appointment at two on Monday. There is, I presume, no need for us to be all together -- I could do it this afternoon.



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MR. CLEMENT:

Well, it depends on Mr. Short.

Are you available?

MR. SHORT:

I would prefer Monday because -- .

MR. CLEMENT:

Monday morning, then -- would

that be available to you? Ten o'clock, here?

SEVERAL VOICES:

Yes, yes.

THE COMMISSIONER:

We will adjourn then until

Tuesday morning at nine o'clock.

(Adjourned at 1:10 p.m.)









